SOCIAL SERVICE

IN THE

COURTS

Annual Report and Proceedings

OF THE

Fourteenth Annual Conference

OF THE

NATIONAL PROBATION ASSOCIATION

HELD IN

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" The State suffers a defeat when someone is convicted of a crime. There is no victory in it for the State as a State. There is only victory for those whose duty it is to see that law-breakers are brought to justice. The real triumph of the State is achieved when a person found guilty of law-breaking is by the influence of good people brought into entire agreement with the law, restored to good social standing, returned to the ranks of honorable workers and redeemed for the honor of mankind and womankind."

Judge William McAdoo.

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ORGANIZED 1907

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The next Annual Conference of the Association will be held in Milwaukee, Wis., June 20-25, 1921.

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ANNUAL REPORT

To the Members of The National Probation Association:

Progress During the Past Year

The year covered by this report (ending March 31, 1920) was one of great progress in the development of probation and social courts. From reports received from many parts of the country there has been evident a somewhat lessened burden of crime and court arraignments, especially in police and other inferior courts for adults, due to several factors. Industrial prosperity, plenty of work and high wages have doubtless decreased crime. Prohibition, more or less enforced since July 1, 1919, has undoubtedly decreased arraignments materially, especially in the inferior courts dealing with adults. In twenty-one courts in New York State the decrease in arraignments for the first three months of 1920 as compared with the same period the previous year was 34.4 per cent. In certain States where probation has been longest used and best organized, for example, in Massachusetts and New York, it is generally agreed that the effects of probation and other preventive social work are evident in decreased crime and especially in the marked decrease of commitments. An unprecedented reduction in the population of correctional institutions throughout the country is reported.

In spite of the above facts, the use of probation and the development of probation systems and socially organized courts appears to have been continually increasing in all parts of the country. This is undoubtedly due to a greater understanding and appreciation of these methods of dealing with crime on the part of the courts and the public and also to new and better enforced laws and the extension of the probation system to new territories. In fact, progress in applying the probation principle and in securing better trained, better paid and more efficient probation officers in all parts of the country has probably been more rapid during the past year than ever before.

We are unable to survey in any complete fashion the developments in this field and can only here record certain out-standing facts from data coming to hand during the past year.

Last year, 1919, was the big legislative year in this country. Forty States held regular legislative sessions. A survey which we have made of the legislation resulting has shown that in no less than thirty-four of the forty States legislation was enacted amending and in most cases extending and improving or enacting for the first time laws in relation to probation or juvenile and domestic relations courts. This fact alone indicates the great national interest in this subject.

Most of these new laws adopted or extended to new territory standard provisions in force in more advanced States. In many States more salaried probation officers were provided for and salaries which are fixed by law in a great many States, were increased in many instances.

A model juvenile court law drafted by the Secretary was enacted with only minor modifications in the State of North Carolina. This established a juvenile court with a separate judge and probation officer in every county in the State. The law has proved very successful in operation and North Carolina is in the front rank in this matter. An adult probation law was also enacted in North Carolina for the first time.

State supervision for probation and juvenile courts was provided for in the States of Alabama and Oregon through the creation of permanent child welfare departments or commissions.

In Michigan an interesting law was enacted providing that in divorce and separation cases the party refusing to pay alimony may be placed on probation as a delinquent. In Montana an excellent law was enacted providing for the treatment of adults responsible for or contributing to a child's delinquency.

In Maine an act provides that county probation officers shall investigate all cases of cruelty or injurious treatment of children and cause prosecution of offenders against the law for protection of children.

The above outstanding features in recent legislation are mentioned as indicative of important developments in this field. Dur-

ing 1919 nine States created child welfare or children's code commissions to revise all laws relating to children, and in 1920, three more States and the District of Columbia established commissions. Fourteen States and the District of Columbia now have such commissions at work. Juvenile court, family court and probation laws are given an important place in the deliberations of these commissions.

At the present writing every State in the Union as well as the District of Columbia, Alaska, Porto Rico and Hawaii have probation laws. Of these all but thirteen States have adult as well as juvenile probation laws. All but two States provide specifically for juvenile courts, these States being Maine and Wyoming. Within the past five years the States of Mississippi, West Virginia and New Mexico have provided for juvenile courts and probation for the first time and the States of Georgia and North Carolina have extended juvenile court systems to their entire States.

The movement for domestic relations and family courts is spreading. Successful courts are established in four cities in Ohio, and the extension of the system to the entire State is being discussed. In Virginia there is a union of the juvenile and domestic relations courts under one judge in the larger cities. A domestic relations court having jurisdiction of children's and parental cases including non-support was established in 1919 in Portland, Oregon. A domestic relations court was established for the first time in Louisville in 1920.

Statistics from certain States and reports received from others indicate that the administration of probation laws is advancing. More and better trained probation officers are being employed, but there is much yet to be desired in this respect. In the larger cities the number of probation officers is almost invariably inadequate for the great number of cases needing attention. Developments in New York City have been most notable where large and competent staffs of officers are being built up in each court. The secretary estimates that there are now more than 2,000 salaried probation officers at work throughout the country and that well over 100,000 persons were placed on probation last year.

The Work of the Association

General Work:

In the securing of improved legislation and administration the Association has played its part. We have sent out to a large number of inquirers in a majority of the States of the Union literature, advice and information. Drafts of juvenile court and probation laws have been sent out to inquirers in a number of States. In a number of instances the bills prepared have been before the Legislatures and have been enacted in two States. Recently an adult probation law was prepared and sent to the County Judge at Toronto, to be introduced in the Dominion Parliament for all of Canada. Canada now has no adult probation law.

Judge Feidelson of Savannah, representing the Association, at the request of the Secretary last year volunteered to go to North Carolina, making a number of addresses and assisting in the establishment of the juvenile court system there. A number of requests for investigations, addresses and other assistance on the part of the Association could not be complied with on account of our limited resources.

Publications:

The Annual Report and Proceedings for 1919 were published and sent to all of our members. A pamphlet and a leaflet on the work of the Association were published and these, together with the National Directory of Probation Officers and other literature were sent out broadly. The National Directory should be revised and republished in the near future.

The Annual Conference:

The Fourteenth Annual Conference of the Association was held at New Orleans, April 13-20, 1920. In view of the inaccessibility of New Orleans to the larger cities and states where probation is most developed the attendance and interest in the various sessions of the conference was remarkable. A total of ninety-seven delegates registered, all but five of them from outside the State of Louisiana. Remarkable interest in probation and social

court machinery was evidenced by delegates from all the southern States.

The Federal Probation Bill:

The Association is still campaigning for this much delayed reform. There is still no probation law or system for the United States District Courts. A perfected bill was introduced on behalf of the Association by Senator Calder of New York and Representative Lonergan of Connecticut. Representive Siegel of New York introduced a similar bill. We arranged for a hearing before the Attorney General and before the Judiciary Committee of the House of Representatives in March. The results were succesful. The bill of Mr. Siegel, though unfortunately amended and weakened, was reported by the Committee and is now upon the House calendar. The assistance of all members of the Association is asked in furthering this measure at the earliest possible date.

Federal Children's Bureau Study:

A report was made by Miss Lundberg of the Federal Children's Bureau at the last conference which will be found in the Proceedings herewith. During the past year the questionnaire study of juvenile courts throughout the United States which was undertaken by the Children's Bureau at the request of this Association was published and is of great value. An intensive study of the work and methods in twelve representative juvenile courts throughout the country is now being carried on, the published results of which will be of great value to all of us. At the request of the Bureau the secretary has prepared a monograph on juvenile probation which will be published shortly.

Work of the Board of Directors and Committees:

The organization of the Board of Directors and committees is shown in preceding pages. During the past year the Board of Directors met three times and determined the policies of the Association. The various committees of the Association presented

reports of their work which will be found in the Proceedings herewith.

Membership and Finance:

The active membership of the Association now numbers 702. Efforts have been made to secure regular renewals and new members which have met with considerable success. A majority of the members of the Association are probation officers and contribute only the minimum membership fee of $2.00. However, we are indebted to a few larger contributors whose names appear in this report. The Board of Directors has determined on a campaign for additional funds so greatly needed to carry on the growing work of the Association.

Future Work and Needs

The field of work of the Association, namely, that of studying, establishing, extending and standardizing adult and juvenile probation, juvenile courts and domestic relations or family courts, is covered by no other organization in the country. Few if any fields are more in need of the work of a strong national organization. The program which the Association has set itself to accomplish is as follows:

1. To serve as a clearing house for information on probation and specialized courts.
2. To assist in the drafting and enactment of more adequate probation and specialized court laws and in their enforcement.
3. To secure the enactment of an adequate probation law for the Federal courts of the United States as soon as possible.
4. To publish the Proceedings, revised Directory of Probation Officers, leaflets and other literature to be sent out widely for educational purposes.
5. To make investigations, prepare reports and cooperate with other organizations through the committees of the Association and staff.
6. To largely increase the membership of the Association by a campaign for members to be carried on throughout the country.

7. To secure as soon as possible adequate financial support so as to provide for the employment of a competent, full-time secretary and necessary office staff.

To continue the work that has been begun and to extend it along the lines above indicated will require financial support which has not as yet been obtained. It is hoped to secure a budget of $10,000 annually to launch the work. To this end the cooperation and assistance of every member of the Association and of all others interested in making the courts social agencies for the proper treatment and prevention of delinquency, with all its consequent misery and social waste, is urgently requested at this time.

Respectfully submitted,

CHARLES L. CHUTE,
Secretary.

TREASURER'S REPORT

For the Fiscal Year Ending March 31, 1920

THE NATIONAL PROBATION ASSOCIATION

IN ACCOUNT WITH

CHARLES L. CHUTE, TREASURER

Receipts

Balance on hand April 1, 1919	$403 22	
Membership dues received at Atlantic City Conference	252 00	
Other membership dues and contributions received during the fiscal year	920 00	
Total		$1,575 22

Disbursements

Stenographic services	$27 20	
Postage	268 07	
Office stationery and supplies	67 05	
Printing proceedings for 1918	337 76	
Printing proceedings for 1919	429 62	
Printing pamphlets and leaflets	93 92	
Printing programs	25 00	
Telegrams and messenger service	24 59	
Express	2 30	
Conference expenses	29 06	
Traveling expenses	42 07	
Total		$1,346 64
Balance on hand, March 31, 1920		$228 58

A new and approved system of bookkeeping was adopted with the beginning of the present fiscal year (April 1, 1920). Hereafter the accounts of the Association will be submitted annually for approval to a certified public accountant. All other requirements for the endorsement of national organizations by the National Information Bureau have been met. The following are transcripts of letters in confirmation of the above:

May 20, 1920.

NATIONAL INFORMATION BUREAU,
1 MADISON AV.,
NEW YORK, N. Y.

GENTLEMEN: We have been engaged to audit the accounts of the National Probation Association for the year ending March 31, 1920.

Their method of accounting did not conform to your requirements, but from May 1st of this year they have adopted your system including the issuing of numbered receipts for all contributions.

For the past year their records show Receipts of $1,575.22, including a balance of $403.22 on hand April 1, 1919. Their Disbursements show a total of $1,346.64, leaving a balance on hand March 31, 1920, of $228.58. We have secured a statement of their account from the bank and find it to be in agreement with the Treasurer's statement.

Respectfully submitted,

NEW YORK STATE AUDIT CO.
(*Signed*) BRACE M. GALLIEN, C.P.A.
President.

September 25, 1920.

MR. CHARLES L. CHUTE, *Secy.*,
NATIONAL PROBATION ASSOCIATION,
132 STATE STREET,
ALBANY, N. Y.

MY DEAR MR. CHUTE: It gives me pleasure to inform you that at the meeting of the Executive Committee of the National Information Bureau on Thursday, September 16th, the Committee voted full endorsement to the National Probation Association.

Very sincerely yours,
(*Signed*) BARRY C. SMITH,
Director.

PROCEEDINGS

OF THE

FOURTEENTH ANNUAL CONFERENCE

OF THE

NATIONAL PROBATION ASSOCIATION

INTRODUCTORY NOTE

The following proceedings contain the more important addresses and transactions of the Conference. As no stenographic report was secured we are indebted to the speakers who supplied written papers for their addresses.

TENDENCIES AND DEVELOPMENTS IN THE FIELD OF PROBATION

EDWIN J. COOLEY, PRESIDENT, NATIONAL PROBATION ASSOCIATION, CHIEF PROBATION OFFICER, MAGISTRATES' COURTS, NEW YORK CITY.

In this paper an attempt will be made to summarize in as compact a form as possible the extent, the limitations, the dangers, the latest developments, the larger and more pressing problems, and the future needs and potentialities of probation in this country. The probation service has grown to vast proportions in the past few years, and one cannot expect in a limited space of time to discuss its problems in great detail, so that this paper must necessarily be restricted to a consideration only of the larger aspects of the subject. In addition to whatever information this discussion may contain, it is hoped that it may be the means of bringing home a realization of the true significance and of the vast size and complexity, of the probation service in America.

to prevent further damage. Probation is a rather startling innovation in this long accepted procedure of jurisprudence, because it attempts to mold for the future, rather than to requite for the past. However, probation is becoming a precedent which is being followed rapidly by State after State, and having demonstrated its value both to the community and to the individual, is resulting in a socialization of court procedure, and is overcoming the too-cautious spirit and the limitations which have hampered its full usefulness.

Limitation as to Age:

The first of these limitations is as to age. At present only 33 States provide for adult probation. Juvenile probation was first adopted in a majority of the States and in 14 it is still the only form of probation legalized. The theory of human salvage is denied its full expression in these States except as to those persons who are presumably in a plastic, because a youthful period. It is no longer necessary to plead for juvenile probation. The field for inquiry and examination of results is that of adult probation. Certain limitations of juvenile probation, plentifully found in our laws, are indeed open to discussion, such as its confinement to populous sections and to first offenses; the dependence upon unpaid officers; the acceptance of the police as a substitute for distinctly social officers; the continued linking of supervision to the prison systems, and to other restraints of a minor, but by no means negligible kind.

Limitation as to Population:

Another limitation characteristic of probation legislation is that which restricts ths aid to populous sections. Running through the statutes are provisions such as, that counties of a certain population may or shall have probation officers and that larger counties may have paid probation officers while the smaller ones must depend upon an unpaid service. The practical effect of these lines in the statutes is that probation is granted for urban but not for rural districts. If the merit of probation be admitted it

is obviously unfair and unjust to exclude anyone from its aid merely because the offense happens to be committed in a region of comparatively sparse population. It is eminently desirable tthat probation be made uniform in its application, irrespective of density of population.

Limitation as to the Nature and Frequency of Offense:

The experience of the States where probation has been given its longest and most thorough trial goes to lessen the distinction between first and second offenses, between misdemeanors and felonies, between minor and aggravated crimes. In judging whether probation is wise, the chief consideration should usually be given not to the offense, but to the offender. Those convicted of a serious offense, as a felony, are sometimes more suitable for probation than those guilty of a minor offense. The law in New York wisely provides that: "Courts may place defendants on probation for all offenses except those punishable by death or life imprisonment." One hundred and nineteen years ago Franz Joseph Gall wrote: "The measure of culpability, and the measure of punishment, cannot be determined by a study of the illegal act, but only by a study of the INDIVIDUAL committing the act."

The majority of the States still provide some limitations as to the nature of the offense in the use of probation; and at least six States, including some of those with the largest population, confine its use to first offenses, with such requirements as that there shall be no previous criminal record or that there shall not have been previous imprisonment for crime. Michigan furnishes an exemplary instance of progress away from such limitations, for its statute provides; "Where it appears to the satisfaction of the Court that the defendant is not likely again to engage in an offense or criminal course of conduct, and that the public good does not require that defendant shall suffer the penalty imposed by the law." In this revision it has only made exception of murder and treason.

Appointment of Probation Officers:

It is cause for congratulation that probation officers as a rule are appointed by the courts instead of being appointed from the the political field. No service would suffer more acutely from the intervention of politics. In one State the appointment is made by the Governor and in another by the Governor on recommendation from the court; in another by the State Board of Charities, and in another by the State Commission on Charity and Probation.

Certain states provide that probation duty shall be performed by police officers. In others the sheriff of the county is given the probation task. However, in the majority of cases, the typical phrase in the acts of these States is: "Probation officers shall not be active members of the regular police force but so far as necessary in the performance of their official duties shall have all the powers of police officers." The police attitude is not the probation attitude and it would be regarded as a survival of the historic idea that the courts exist only to punish, if the police were requisitioned for this new and wholly reconstructive service.

Three states at least have required that appointment of probation officers shall be after competitive examination in order to arrive at fitness. Experience in New York State points to the conclusion that the most satisfactory method of obtaining the right kind of probation officers is that of the Civil Service system.

Uses of Probation Officers:

In some states the probation officer is called upon to inquire into such cases as seem to the court to need special invesigation; in others we find the idea that each probation officer shall inquire into the nature of every criminal case brought before the court with which he is connected. The value of preliminary investigation into the social facts regarding the offender cannot be questioned. It is the corner stone of probation, for without this, how shall the judge be able to determine adequately the fitness of the material to be placed on probation? Hence, the conclusion that nothing short of inquiry into all cases fulfills the ideal of probation. In a very few States we find a provision that the probation

officer may recommend to the court whether or not a convicted person shall be put on probation. It is quite possible that in other States this practice is more or less implicitly followed. Although the probation officer cannot be a party to the determination of the guilt of an offender, there should be no great objection to his passing on the merits or demerits of the case as fit material for probation.

Legislation Needed to Remove Restrictions:

Workers in the probation field have before them a great task in the education of the public, the legislators and the courts, and in advocating legislation which will remove the many restrictions which hamper the effective use of the probation system. In many states these bonds are so rigid and binding that the probation service cannot function in any way near its possible degree of efficiency. Laws should be drafted and passed to provide adequate machinery and proper working conditions under which the probation system may reach its highest development.

Tendencies to be Avoided

The probation system is capable of much wider acceptance and more extended use but, in common with all other human institutions, it is not free from its own peculiar dangers. These dangers arise in the main from a disposition to regard the newest thing in social advance as a panacea, and consequently to apply it to all sorts of cases without discrimination. Probation is a valuable institution, but it is not in all cases, even of juvenile offenders, a proper substitute for comitment. To fail to place the offender under a vigorous corrective discipline when such course is clearly indicated by the circumstances of the offense and the previous character and the present disposition of the offender, is an evil only less serious than to imprison the offender when the circumstances would justify his release upon probation.

The Probation Officer Must Not Be Overburdened:

The probation system may easily become so weakened as to be of little value. If the probation officer has an excessively large

number of persons under his care and consequently cannot keep himself informed as to their conduct and habits, if he fails to visit them at their homes or places of employment and relies solely upon their occasional visits to him or even as in some cases, on written reports or information that may reach him accidentally, it is evident that probation has lost its meaning and that we cannot expect it to effect any improvement in the point of view or habits of the offender. The returns from the probation system in the form of actual reformation in the habits and character of the offenders will be in exact proportion to the amount of time, intelligence, energy and personal influence put into the probation work by those who administer it. Probation is what the officer makes it. One of the most common weaknesses in probation work is that most probation officers have more work than they can do well. There is no greater duty incumbent upon probation officers in all communities than that of keeping constantly before the proper appropriating bodies the need for an adequate probation staff, a just compensation and sufficient clerical help. We know to our sorrow that wherever probation officers are overburdened with too many cases, real constructive probation work is impossible no matter how carefully the probation officers are selected, how skillfully they are trained or how hard they work.

Adequate Supervision Necessary:

During the probationary oversight of an offender the probation officer should obtain a full knowledge of all the important factors in the life of the individual affecting his conduct. It should by all means include full knowledge of his home surroundings, of the training received in the home, of his attendance at school and his aptitude shown in his school work, of his reaction to employment, of his forms of recreation, and of his religious training. Supervision should also include that which is very frequently overlooked, but is nevertheless of the highest importance—a careful mental and physical examination of the person by a competent physician. Such an examination will often bring to light defects of the senses, or other abnormal mental and physical conditions, some of which are often susceptible of remedy, but which in any

event will have a marked bearing, if not a determining effect, upon the individual's conduct. It is self-evident that adequate supervision requires that considerable time must be devoted to each probationer.

Probation Period Must be Adequate:

Furthermore, it is obvious that a period of a few months is far too short to accomplish permanent results in changing the habits, attitude, environment and character of an offender. In fact, he would naturally require comparatively little observation during these first few months, for the shock of the arrest, trial and conviction is still fresh in his mind, and he is not so likely to repeat at once the offense which brings in its train such undesirable consequences. It is when the shock of these things has passed away, when they have become less distinct and are less constantly borne in mind, and when the old temptations come back with their original force that the offender requires the guidance, the confidence and the moral support of a wise and a discreet friend such as the probation officer ought to be. It would seem generally that the minimum term of probation should be longer and the average term considerably longer than is now usually the case, and that only in this manner will the real difficulties as well as the real possibilities of probation be discovered. In New York, Massachusetts and in New Jersey, experience leads to the belief that for adults the minimum period of oversight should be one year.

Checking Violators and Absconders:

Again, in some cases probation is little more than a suspended sentence with the incidental advantages of oversight and admonition on the part of the probation officer, but without any recourse to severer measures if these admonitions are not heeded. If the probation officer allows a probationer to disregard his instructions with impunity, or if the judge fails to support the probation officer in requiring observance on the part of the probationer of the terms and conditions of his release, the whole system of probation will fall into disrepute. When the behavior of the probationer

is unsatisfactory, he should be called into court for a sharp rebuke and warning, or for sentence.

Evasion of Probation by Change of Residence:

It has been the experience of probation officers that probationers are sometimes lost sight of by reason of change of residence and that they often move from one city to another, such removal being possibly for the purpose of avoiding the oversight of the probation office, by leaving the jurisdiction of the court. It is evident that every opportunity for avoiding or evading probationary oversight on the part of those released under a suspended sentence, tends to bring the probation system into public disfavor, and to decrease that wholesome respect for the law which should be the natural result of an arrest and conviction. It is recommended, therefore, that probationers removing from one city to another should be placed under the supervision of the probation officer of the city to which they remove, for the remainder of the probationary term, that every effort be made to apprehend absconders, and that there be developed for these purposes a very close and effective co-operation between probation officers throughout the country.

Volunteers Not Satisfactory:

In the early days, before probation officers had been officially appointed, much valuable and devoted service was given by private organizations, which helped, not only in the actual probation work, but also in the campaigns for legislation and for the appointment of officers. Experience has shown, however, that it is unsafe to rely upon salaried probation officers provided by private organizations as a permanent and sufficient form of probation organization. There are certain disadvantages in the use of probation officers receiving salaries from private organizations. Such officers are not fully responsible to the court; their time is not so completely at the service of the court; they cannot be so readily disciplined; they are liable to be drawn upon for other work, and in such cases must feel their first responsibility to the society which provides their salaries. The trend appears to be generally, throughout the country toward the administration of probation

work by probation officers appointed as public officials wholly responsible to the public authorities and receiving their salaries from the public treasury. Private organizations, however, can still render valuable service in a twofold way. First, they can test out and prove new ideas in probation work; and secondly—and this is even more important—they can supplement and stimulate the work of the overburdened probation officers by carrying the great gift of spontaneous friendly service to families who need this more than anything else.

Salaries of Probation Officers:

Nothing is more indicative of the greater interest in probation work nor more conducive to improvement both in the quantity and quality of the work than the larger salaries which are being paid each year to probation officers. There is hardly any feature of the system more important, both in order to obtain qualified persons who can devote their entire time to the service, and also to hold them after they have secured experience. When one considers the demands made upon a probation officer and the responsibility which rests upon him, it is clear that salaries of $1,200 and $1,500 are today entirely inadequate. Better salaries are urged, solely for the purpose of raising the standard of the service, for it is a fact that the quality and extent of the work done depends to a considerable degree upon the receiving of a fair and adequate salary. Considering the great increase in the cost of living and the higher qualifications demanded of probation officers, we recommend that the minimum salary be not less than $2,000 for qualified full time officers, with yearly increases allowed for efficient service. Effective probation costs money—but it pays.

Family Courts:

The Committee on Courts of Domestic Relations under the Chairmanship of Judge Hoffman advanced the idea of the Family Court to embrace jurisdiction over all matters relating to the family, including juvenile cases, parental neglect and delinquency, non-support and divorce. Progress has been made in the establishment of such courts in several states and the advisability of close co-operation between children's courts and domestic rela-

tion courts has been brought to the serious attention of the whole country. In Ohio the movement for family courts begun in Cincinnati has been extended to three other cities. Everywhere there have been improvements in the administration and enforcement of existing laws providing for these socialized courts.

The causes of juvenile delinquency, dependency of children, desertion and non-support, pauperism, alcoholism, divorce and marital dissensions are inter-related. All these, in a measure can be traced to some defect in the family, and that defect in many instances is so obscure that current methods of dealing with domestic relations fail to reveal them. It is apparent that to deal with the family effectively, to relieve present distress and to ascertain the causes of disruption of the family and the causes of anti-social conduct in general, it is necessary that some court have power to deal with the family as a unit. At present the various phases of family life are considered by independent courts, and while these courts have accomplished much good and should be commended, yet their work in no way has been inter-related.

As a result of a study made by Ernest H. Shidler at the University of Chicago covering 7,598 inmates of reformatories and industrial schools in a number of States, it was discovered that 50.5 per cent of delinquent boys came from broken homes. Since official records do not reveal the full facts in regard to the conditions of the parents, Mr. Shidler is inclined to think that the true percentage may be nearer 60 than 50. This means that approximately six out of every ten delinquent boys come from homes in which the parents are not living together. This study more fully confirms the previous opinions in regard to the disastrous results ensuing from broken-down homes. If for no other reason than for that of preserving the physical and moral integrity of the children, every effort should be made to conserve the solidarity of the family.

Juvenile and Domestic Relations Courts:

Undoubtedly there has been greater interest and progress in the development of juvenile and domestic relations courts during the last few years than at any time since the movement for

these courts first began. The greatest progress has been shown in the southern States. Mississippi and North Carolina have enacted legislation providing for a State-wide system of juvenile courts. Other States during the past few years have extended the age limit for children in these courts from sixteen to eighteen years, and have revised their legislation to provide for paid probation officers and other administrative improvements.

While we must look forward to the establishment of family courts as a desirable social advance, there is also an opportunity immediately before us to develop and make more effective the work of the courts of domestic relations. These courts are now fairly well established throughout the country either as separate courts or as parts of existing courts. They are essentially probation courts and there exists within them an enormous field for the efforts of the probation system, in the patching up of family difficulties, in the reconciliation of husband and wife, in the upbuilding of the family morale, in the procuring of adequate compensation and the enforcement of the court orders to women and children who are deserted, and in the apprehension and punishment of deserters. In New York, Chicago and Philadelphia, these courts are carrying on on a large scale this constructive and healing work with families.

In the courts of domestic relations the modern tendency has been in the direction of keeping as many couples as possible out of court. The elimination of public hearings and the substitution of informal round table conferences with socially minded judges, the new practice of having complaints made to trained and sympathetic women employees instead of to men clerks, closer co-operation with all of the social agencies in the community and the establishment of clinical facilities for mental and physical examinations,—all of these are examples of the socialized procedure in these courts. It has been suggested that the National Probation Association should request the Federal Children's Bureau to make an investigation of domestic relations courts similar to the study which the Bureau has made of children's courts, with a view toward securing the best standards of procedure in all parts of the country.

Socialized Courts:

The movement for socializing the machinery of the courts, especially in the establishment and extension of juvenile and domestic relations courts has advanced rapidly. There is, however, a great deal of educational work to be done by probation officers with the public, with the judges, with lawyers and legislators so that they will come more and more to realize and appreciate the modern socialized conception of the offender, the law, and the courts. For the effective treatment of social problems our courts must have machinery and equipment which is social in its nature. This will include adequate legislation and jurisdiction, socially minded judges, ample probation departments, clinical facilities to make mental and physical examinations, and informal or private hearings when necessary. Concurrently with the development of probation, the movement must be advanced to make our courts social agencies for the proper treatment and prevention of delinquency with all its consequent misery and social waste.

Probation Courts Advisable for Large Cities:

In larger cities of the country there would be a distinct advantage in setting up a Probation Part or Court. Such a court is actually in operation in the Magistrates' Courts of New York City. The probation court is designed to supplement and reinforce the work of the individual probation officers and increase the effectiveness of the probation system as a whole. It provides a means for centering in one court the entire judicial supervision of probationers. Heretofore probationers have been expected to appear before the individual magistrates who may have tried them. Different magistrates naturally have various and conflicting ideas about the purposes and methods of probation work. By establishing a single court with exclusive jurisdiction over all these matters, the impracticabilities of the former system will be brought to an end and diversity will give way to uniformity. There is also the additional advantage of having one magistrate hear and determine all violations of probation. Another idea underlying the establishment of a probation court is that a judi-

cial termination of all probation periods is desirable. This gives dignity and impressiveness to the final act of the probation process. A more intelligent disposition of cases is secured by having them all reviewed at the end of probation by a single magistrate who can apply uniform standards in deciding whether the men should be discharged, continued under oversight or committed to an institution. The proceedings in these courts should be simple and informal and suggestive of the atmosphere surrounding most juvenile courts.

The probation court can become a most valuable adjunct of the probation systems of the large cities where the number of cases is so great that it is difficult for the various judges to have any personal relationship at all with offenders who come before them.

Adequate Training of a Probation Staff Necessary:

One of the ever present problems of the administrator of a probation system is that of obtaining the right kind of probation officers. Definite qualifications as to character, ability and training should be required of those who seek to become probation officers. Merit and fitness alone should be the basis of appointment. It is also the task of the administrator constantly to keep in mind the necessity for guiding, controlling and training his staff. Staff meetings, case conferences with supervisors, difficult-case conferences, supervision of case planning, discussion of problems with co-operating agencies, formulation of the exact procedure in the various aspects of the work, are some of the means whereby the administrator can increase the efficiency of his organization and establish an esprit de corps.

Probation officers should be encouraged to attend all National, State and City conferences on probation and should be sent at the expense of the city; current reading material and facilities for study should be provided, and the probation officers should be encouraged to form their own organizations, to thresh out their own problems and to co-operate with the chief probation officer. The administrator of a probation system must constantly attempt to improve the quality of the service and must keep in mind that most of the men and women who enter the probation

service are not trained in the work. Probation service is becoming more and more complex and is demanding a longer period of training before it is mastered. Consequently, the administrator must do his own training and educating, just as the executives of specialized industries meet this responsibility. For certain activities and professions, long established schools, with proper curricula and accumulated technique have furnished proper training, so that men fully qualified to work in these professions or activities have been turned out. In the probation field this has not been the case and it is all the more incumbent upon the administrator to formulate and to push through such a process of training and education.

Current Tests and Studies of Work Advisable:

In order to formulate an adequate technique and procedure, the administrator should frequently make current tests and studies of the various aspects of his work. He should from time to time study intensively certain of its major problems, so as to make sure that he is obtaining the proper results and that the methods pursued are adequate for their purpose. For example, in New York City, we are at present engaged in testing the work of the family courts. In order to make certain that we are on the right road, we are analyzing carefully the results and testing the means whereby we effect them. The same sort of testing could be made of other aspects of probation service, as, for example, of the preliminary investigation work, of the supervisory work, of the work in the women's courts, in the juvenile courts, in the men's courts and even in other and more specialized and limited fields of probation.

A Study of Probationers after Release Desirable:

A clinching argument of the value of probation would be a study of the life and habits of probationers three or five years after they have been released from probation, providing it could show that a large percentage of the probationers had made a success in life. Such a study was made in Buffalo in a small way a few years ago, and in 68 per cent of the cases there was every

evidence that the probationers had been permanently and substantially benefitted by their probation, and to all appearances permanently removed from the ranks of criminals. A study of this kind, of an exhaustive nature and on a comprehensive scale, would establish beyond all question the strong and the weak points of probation, and its value as a constructive force in society. A series of such studies might be planned by the National Probation Association and might serve as tests and examples, which might blaze the trail for a comprehensive investigation throughout the country. This could be undertaken as a special study by some foundation interested in philanthropic work.

A Country-wide, Standardized System of Statistics:

An adequate and standardized system of forms and statistical records should be established throughout the country so that in the course of a decade or two comparable data would accumulate for scientific study of the various aspects of probation and indeed of all social service work. The aim of probation should be not merely reconstruction but prevention, and should attempt to discover the causes of delinquency. Indeed, this should be the major and ultimate purpose of all social agencies. Medicine in the past confined itself to remedial work, but twentieth century medicine is coming to be preventive medicine. Nineteenth century social work is passing through the same phase. The probation service has a particularly valuable contribution to make in the study of the causes of delinquency and the means of its prevention, because at present the results to the individual and to society as a whole, are particularly disastrous in the case of moral breakdowns and infractions of the law. Poverty, improper parental oversight, lack of religious influences, bad companionship, defective education, bad working conditions, disease, bad housing, base political conditions, lack of recreational facilities, harmful neighborhood influences,—any of these may be at the bottom of a district degeneracy. The advent of crime should be regarded as a symptom, a challenge to the social agencies to attack the problem at its source and inception, to study the causes of delinquency and proceed to eliminate them. The ideal

of the probation officer and of all social workers, should be to lessen his work, or at any rate, to emphasize the preventive and reconstructive side of his task.

Methodology of Probation:

We need a methodology of probation, something on the order of that set forth in Mary Richmond's "Social Diagnosis," one which considers the different types of probation cases and formulates the most effective methods of handling them. With such information on hand, we would find that the problem of training probation officers would be greatly simplified and that probation work as a whole throughout the United States would be greatly benefitted. We need a careful study of the whole sum total of the qualities of personality in order to formulate an adequate probation methodology. We need that same painstaking study of the structure of human personality that the physician makes of the human body; that same study of the functions of human spirit that the physician makes of human physiology; the same study of healing and upbuilding of human conduct, character and personality that the physicians make of the toxicology and the hygiene of the human body.

In formulating a methodology we have much to learn from psychologists, from the psychoanalysts, from the pedagogue, from the minister and priest, and from the industrial managers. Our technique must be based on a synthesis of the pertinent elements of all branches of human science and experience together with the distillation of the best experience in our own special field. For example, the probation officer must learn to recognize the weak spots and traits both in his probationers' characters, and in the communities in which the probationers live. He must learn to use the best tools for combatting both types of weak spots if he is going to do really constructive work for the individual probationer and for the community.

A definite technique of probation as in the case of pedagogy, means a careful study of human behavior, with this difference, that in the case of probation it is applied to cases socially pathological. Such a methodology, developed from a first hand study

of actual cases, constantly applied afresh to individuals for constructive purposes, and used by properly trained probation officers, could not become mechanical and academic, any more than a physician who treats dozens of patients a day can become mechanical and unrelated to reality in his work.

Probation and Parole:

It is highly desirable that the supervision of those released from penal and reformatory institutions on parole, should be developed on the same lines of supervision and responsibility as the probation system. Many similarities exist in the methods of doing probation work and of maintaining parole oversight of persons conditionally released from institutions. Much the same type of officers is needed. When two separate corps of workers, one for probation duties and one for parole duties, are in the field, there is apt to be overlapping. In different States, probation officers at the request of institutional authorities look after persons on parole. It has been urged that the co-ordination between these two branches of service should be closer, and there are advocates for the plan of having a single staff of officers discharge these dual functions. Here again, the solution must be found through experimentation. One thing, however, is certain; that is, parole work should not be allowed so to encroach upon the time of probation officers as to interfere with their regular probation duties. The assumption of parole work in large cities will usually necessitate the employment of more probation officers. As a matter of fact, in most places the probation officers at present have more than they can attend to in their probation work alone.

Federal Probation Law:

Social workers, attorneys and many United States judges have publicly urged the passage of a Federal probation law for several years. The National Probation Association has supported the idea. Prior to 1916, Federal courts assumed an inherent power to suspend sentence and actually exercised it in numerous instances, but in that year the United States Supreme Court made its decision in the famous Killitts cases, holding that, in

fact, no such power existed and that the courts had been doing that which they had no authority to do. That put the granting of such authority up to Congress. In 1917, therefore, a bill was prepared by the National Probation Association. This bill passed Congress, though greatly weakened by amendments. It did not meet the approval of the Attorney General and was vetoed by President Wilson. Accordingly, a new bill, (H. R. 12036) has recently been introduced in behalf of the Association by Representative Lonergan. It has been referred to the Committee on the Judiciary and a successful hearing on it has just been held. The United States District Courts, unlike nearly all State courts, have absolutely no power to suspend sentence or use probation. It goes without saying that the Federal judges are as competent to exercise discretion as are the judges of the State courts, and whereas there may not be as large a proportion of cases coming before the Federal courts where the use of probation would be desirable as before many State courts, there is, however, a large field for the use of probation in these courts.

The report of the Attorney General for the year ending June 30, 1918, shows that there were in the United States District Courts a total of 23,223 convictions in criminal cases. In addition, 18,965 persons plead guilty, making a total of 42,188 offenders disposed of. Many of these were cases of young and first offenders, convicted of violating the post office laws, such as stealing from the post offices and the mails, violation of interstate commerce laws, such as stealing from freight cars, violations of the food and drugs act, white slave act, and miscellaneous offenses, including offenses within the military zones, such as prostitution and liquor selling. The war and subsequent legislation, such as railroad control and prohibition, have increased greatly the criminal business of the Federal courts. At the same time these acts have brought before the Federal courts many cases of offenders reclaimable under the probation system who would have been helped and perhaps saved had their cases come before the State courts having adequate powers in this respect.

Of the Federal prisoners committed during the year ending June 30, 1918, 76 per cent were imprisoned for the first time.

No less than 56.6 per cent were under thirty years of age, and of these 441 or 11.4 per cent of the total committed were boys under twenty years of age; 43 per cent were married, and 75 per cent were natives of the United States.

The parole laws and pardoning power of the President are not adequate to meet the need for a probation system. Under the parole law the defendant must be committed and serve at least one-third of the sentence in full. This usually means six months' sentence, and always means the branding of the delinquent as a convict and taking him away in disgrace from his environment and associates. The result of long experience with the probation system shows that it is far easier to reclaim an unhardened, early offender without commitment to a prison than after it. The Presidential power of pardon is subject to the same criticism and can naturally only be exercised in special cases.

The bill which is now pending before Congress, is modeled on the best provisions for adult probation in force in the States of New York, Massachusetts and other States having successful probation work.

State Probation Commissions:

Experience has shown the necessity for, and benefits of, State supervision of probation. Historically, probation systems have grown up more or less spontaneously, have developed sporadically, without supervision or standardization, due to the fact that legislation was permissive. In most States probation is in a developing stage and requires study, experimentation, conference, education, constructive legislation and organization. This can best be secured through the influence of a centralized State body having powers of inquiry, co-ordination and general supervision.

At present only two States, New York and Massachusetts, have separate probation commissions. In New York State we are strongly of the opinion that, while probation work must always be permitted a considerable degree of flexibility to meet local conditions and individual needs, there should be provided, nevertheless, some form of central oversight. This should involve the collection of information in regard to the extent to which pro-

bation is utilized in different portions of the State from time to time, the manner in which probation work is carried on, and the value of the results secured. It should include the authority to make formal and detailed investigations of probation work in any given court or locality, when this is deemed advisable; it should provide for the making of suggestions to the Legislature from time to time for the improvement of the probation system; and for recommendations as they are needed to public authorities, judicial and executive, concerned in the administration of probation; it should involve the promotion of probation work in those localities in which it is not yet availed of; in short, it should involve the performance by some central authority, of the kind of work which the New York State Probation Commission has carried on during the past thirteen years. One of the activities of the National Probation Association has been that of encouraging and endeavoring to have established State probation commissions in all States of the Union.

In most States of the Union there exist conferences on social welfare. It would be an excellent idea if in the various States the probation officers would band themselves together and form associations which would co-operate actively in the program and work of the State conferences.

Probation in Cities:

At present the probation system has reached its highest development in some of the largest cities of the country. More than ninety per cent of those placed on probation last year in New York State came from the cities of the State. It is in the cities and the states where population is most congested that a combination of problems has favored the growth of the probation system. The desire to reduce the enormous cost of penal institutions, combined with the most advanced development of social service work has operated to favor the introduction and extension of probation. With the great number of cases passing through the city courts, the mere size of the problem alone has forced upon the attention of the people the eminent desirability of salvaging as much as possible from this large amount of human wreckage.

In many large cities there exist various court systems, each of which has the power to appoint probation officers, so that there are practically as many systems of probation as there are kinds of courts. It has been suggested that in such cities a central administrative control over all the probation work be established. It is recommended that the experiment be made of having the probation work of a whole city administered by a local probation commissioner or probation board to co-ordinate the work of all the probation systems, to organize a compact centralized administrative service, to establish a central bureau of records, and to study the probation problems of the city as a whole with a view of eliminating duplication of effort, standardizing methods and practice, and in general formulating and executing a city wide program for probation work. As yet we have no example of such a plan.

Probation in Rural Centers:

To those who are acquainted with rural conditions, there is no need to emphasize the importance of establishing some form of probation service in the smaller places. All recent studies of social conditions in the towns and villages and rural districts have shown that there is quite as much crime, immorality and degeneracy in the rural neighborhoods in proportion to the population, if not more, than there is within the cities. Often, however, it is not brought to light, and in but few rural communities are there those preventive agencies which are to be found in the cities. It is evident, therefore, that there is a large field for constructive probation work in the rural centers.

A centralized court, especially for children's cases, and a district or county probation service should be established in all rural districts throughout the States of the county. With the appointment of suitable persons as referees to hear cases in various parts of the county and having the court sit at stated times in different sections of the district, all portions of the county would be covered. The county probation office should be a clearing house for helpful social work in the courts of a county and with the help of local volunteers and agencies there could be estab-

lished effective supervision of cases throughout the district embraced by the court. Moreover, a great amount of preventive and reconstructive work could be done.

During the past year there has been a considerable extension of county probation work in the country. In New York State thirty-seven out of the sixty-two counties in the State have salaried probation service. Three county children's courts have been established and have proved successful. It is by such advances as these that a long step can be taken in making the country, in its human, as well as its physical aspect, as beautiful as God made it.

National Probation Association:

The National Probation Association if equipped financially could perform a great public service in extending and standardizing the probation system and making more effective its application thoroughout the country. Though limited financially, the Association has carried on the following activities:

1. Conducting annual conferences each year with probation officers, judges and others directly engaged in the social work of the courts, in attendance from all parts of the country.

2. Publishing and distributing the proceedings of the annual conference; also leaflets and pamphlets on vital phases of the work, including three editions of the National Directory of Probation Officers.

3. Serving as a bureau of information, and sending out literature upon request to all parts of the country.

4. Promoting legislation to establish probation and juvenile courts and improve their administration. Juvenile and adult probation laws have been drafted and sent to various States.

5. Carrying on a campign for securing an effective probation law for the United States District Courts. The Association has drafted and introduced several bills in Congress.

6. Investigating and the preparing of reports by various special committees of the Association. The standard book by Flexner and Baldwin entitled: "Juvenile Courts and Probation," is the outgrowth of the work of a committee of the Association. The

Association has secured the active co-operation of the Federal Children's Bureau in an investigation of rural juvenile delinquency in New York State, completed in 1917, and in a nation-wide investigation of juvenile courts which is still in progress.

Program for the Future:

The work and accomplishments of the Association have been greatly limited by inadequate funds. Such work as has been done has been carried on through the volunteer services of its officers and committees. To meet the existing needs and to do the work which urgently needs doing, the following program for the immediate future has been proposed:

1. To serve as a clearing house for information on probation and specialized courts.
2. To assist actively in the drafting and enactment of more adequate probation and specialized court laws and in their enforcement.
3. To immediately carry to conclusion the active campaign which has been started to secure an adequate probation law for the Federal courts of the United States.
4. To publish and distribute the valuable proceedings of the annual conferences; to prepare an up-to-date edition of the National Directory of Probation Officers, and to publish other reports and leaflets to be sent to all members and to be used in educational work.
5. To make investigations, prepare reports and co-operate with other organizations through the committees of the Association and staff.
6. To largely increase the membership of the Association by a campaign for members to be carried on in all parts of the country.
7. To secure as soon as possible adequate financial support so as to provide for the employment of a competent full- time general secretary and necessary office staff.
8. To draft standard forms and records which can be used for the various kinds of probation work in the country.

9. The formulation of a modern, adequate methodology of probation work which will consider all phases and kinds of probation work and serve as an inspiring manual and guide for the work of probation officers in the whole country.

10. To establish a probation organizing staff which shall be available for any community or State for the drawing up of plans or organization of probation in municipalities and counties and the organization of State commissions or associations, and the drafting and the enactment of probation laws.

The ~~Failure~~ Future of Probation:

Probation is undoubtedly the most important recent development in the administration of the criminal law. The rapidity of the extension of probation service throughout the country in the past years is proof that it fills a fundamental need; that in both principle and organization it has struck deep roots which will mean permanent and continuous growth. We cannot venture to predict what will be the eventual outcome of the rivalry between probation and penal institutions. It may be that both will continue to exist, but that probation may finally outstrip in importance and in extent penal institutions. Possibly, in the last analysis, the penal institutions will become the place of detention for those persons morally incurable.

Our first great task is to make sure that the work which we are doing is being done adequately. We must constantly analyze and check up our methods of work. We should continually be testing the results of our efforts. We must not permit the great driving humane motive behind probation to degenerate into mawkish sentimentality, or believe that emotional fervor is an adequate substitute for concrete results. A tree is judged by the fruit it bears; we will be judged by the lasting and constructive impressions we leave upon the characters of the persons with whom we deal. We must, therefore, be continually on our guard against mechanical methods and superficial effort. Sincere and skillful workmanship must be our constant ideal.

Moreover, it devolves upon us to continue to plan and add to the present structure which we have commenced. To do this we must have a vision, an adequate conception of the potentialities of the probation service. We must also endeavor to work out

these plans and ideals in a practical manner, to crystallize our experience into a distinctive and effective methodology, to put into operation adequate administrative control in the probation systems of the city, county, State and Federal courts. All phases and relationships of the social problem must be considered, all factors and institutions taken into consideration.

In the development of the probation service we must never lose sight of the personality and effectiveness of the probation officer. The probation officer is the representative of a great conserving institution of society. It is he who has the direct contact with the probationer and represents to him the spirit and the authority of the law. As a piece of logical ingenuity the administrative system may be the best obtainable, but unless the probation officer is well trained, capable and sympathetic in his relationship to his charges, all else is as sounding brass. This powerful and almost universal impulse of magnanimity towards those who err must be focused, crystallized and organized so as to obtain definite and permanent results.

Finally, we must not forget our relation to the social problem as a whole. More and more we are coming to think of probation as only one factor in the great leavening process which social work in all its phases is effecting in the country. We are realizing more and more profoundly that probation does not differ essentially in its aims and functions from any of the other great divisions of social work. The probation system, in common with all the other organizations, is dealing constructively with the same kind of material, namely, human beings. It is only part of the twentieth century's colossal effort to increase the well-being and happiness of members of society. If we will only keep this large point of view constantly in mind, we shall be able to maintain a sane point of view, we shall not become obsessed with an undue sense of our importance, we shall not attempt to do alone what only can be accomplished by the active and whole-hearted co-operation of all the constructive forces of the community. The magnitude and the significance of our task constantly before us, will stimulate our ambition and will arouse in us the great emotions of allegiance and loyalty, which will impel us to labor more diligently and to accomplish larger and more permanent results.

THE NEEDS OF PROBATION IN THE SOUTH

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Those of us who have attended the annual meetings of the National Probation Association from year to year must have noticed the many glowing accounts of exceptional work done here and there by individuals or communities. Subsequently when some of the more consistent students make inquiries to learn how the work is maintaining itself, we too often learn that the master mind that produced these unsual achievements either died or quit the work, or that the favorable circumstances which made these achievements possible no longer exist. Not so long ago there appeared in one of the best and most widely circulated magazines a story that in a large western city a woman had been appointed judge of the juvenile court and that she was doing a wonderful work not only with the girls but with the boys as well. Inquiries were made concerning her ideas, program and methods. The reply stated that the judge had resigned to become the private campaign secretary of a gentleman who was striving to gain a seat in the Senate.

The value of these achievements is not being attacked or underrated. It is a question as to whether or not such reports may be regarded as the best stimulus for general permanent progress. At first thought it may seem a good idea to place before the nest of the little banty hen an ostrich bearing the oft repeated inscription "look at this and do your best" but the experiment itself, more than likely, would prove discouraging in some cases and disastrous in others. Why should we be urged to pursue the gaudy colors of the rainbow when a subdued red or a mellow brown or a blue serge would be more becoming and lasting? Usually the delegates to a convention or conference come to the front with a list of achievements arrayed in dress parade fashion. They make a fine display, but how about the unsolved problems back home?

We have in the South places where some unusually meritorious or striking juvenile court and probation work has been done, but such isolated situations cannot be accepted as being the real stimulus behind the abiding program of the movement as a whole. We need in the South a general improvement in juvenile court and probation work, stimulated, not by isolated brilliant dashes of short duration but by normally developed and stabilized centers, where the work of the court in co-operation with the social agencies is so well organized that the going of one person or the change in working conditions will not materially disturb the equilibrium or the continuity of the work. From such normal centres, wherever they may be located, the entire Southland should receive its inspiration, instruction and momentum. In educational matters the South is conservative and in some instances exasperatingly slow in its progress. Therefore, any contemplated innovation in juvenile court and probation procedure in the South should be preceded by some comprehensive plan to educate the public in juvenile court functions and to create a healthy public sentiment. Obviously this cannot be done by distributing broad cast glowing accounts of exceptional achievements. Such reports should be reserved for communities having a high grade work and which are prepared to compete for blue ribbon honors.

The South has within its bounds many efficient and faithful workers, and they have accomplished a great deal in juvenile court and probation work. This statement, no doubt, will be readily accepted by you as true without further proof. But the accomplishments of these few we hear about is not a sample of conditions prevailing over any extended area, and furthermore it is not the wisest plan to set up in the convention lime light the exceptional achievements of a few brilliant people in the hope that the rank and file of ordinary workers will be dazzled into producing something beyond their reach. Of course we all understand the value of striving for high ideals, but the South is not so much in need of high ideals as it is in need of an everyday working program for ordinary folks, one that may be harmonized with local conditions to produce a normal standardized work. We

need a road builder first; the pace maker may follow with his inspiration and accelerations.

The aims and methods of juvenile court and probation activities with its ramifications with co-operating agencies as practiced in well established standardized courts in the North are not generally understood by the public and too often not by those most concerned. In many places where some few workers have made a careful study of this matter progress is hampered by defective laws, lack of facilities for carrying out the good provisions of the law, undeveloped public sentiment and insufficient co-operation with needed social agencies.

State probation commissions and other state or sectional supervisory agencies helpful in developing or unifying the work are very scarce. As a result juvenile court and probation work in the South is of an intermittent nature and for the most part unscientifically done.

Conditions in Louisiana may be cited as an illustration. Louisiana has a good basic juvenile law comparing favorably with the best of State laws, (excepting the compulsory school attendance law which defines truancy as "absence from school without cause for more than one week.") But the good intent of the law is neutralized by the fact that the facilities prescribed for the handling of delinquent and neglected juveniles are for the most part missing. Louisiana has more than thirty district courts whose duty is to sit as juvenile courts to hear all cases of juvenile delinquencies, cases of parents who fail to support their children, and all adults who contribute to the neglect and delinquency of children up to seventeen years of age. There is no State training school for girls, white or colored, such as the State law calls for. Girls, therefore, are rarely brought into court. When young girls have been flagrant violators of the moral code so that they fear being sent by the court to a private institution for fallen women they get some accommodating man to marry them. This gives them the legal standing of a married woman of mature age. Such a marriage effectively blocks all juvenile court action and as a divorce is very easily obtained the girls get legal protection with but little inconvenience. Thirteen, fourteen, fifteen and sixteen

year old girls have played this trick on the courts throughout the State. Most of these girls show by their actions the direction in which they are going long before they fall, but as the State fails to furnish the means to handle these girls as the law prescribes the girls of Louisiana are not getting the care, protection and discipline of the juvenile court that the law says they should get.

There is no State training school for colored boys. One or two small county reformatories have fallen into disfavor because of abuse of boys committed to them. This could have been prevented by a State inspection which the law calls for but which is not provided for.

Public or private institutions for treating subnormal children are sadly needed. An epileptic boy of twelve, showing remarkable shrewdness in his many delinquencies, has given one of the larger cities of the State a great deal of trouble because there was no suitable place to which the boy could be committed. In the last two years this boy has spent his time in the police station, in the State reformatory, in the State asylum for the insane, in the city streets, in the county jail and according to the last reports he was being detained in a remote corner of the police station to avoid further trouble. This latter detention is illegal, but nevertheless such a detention in the absence of something better is a blessing to the boy as well as to the community.

There are thirty-one juvenile court districts in Louisiana but only four or five places have probation officers. New Orleans, a city of nearly 400,000 inhabitants has an antiquated detention home doing some good work. This is the only detention home in the State excepting a small one located in the southern part of the State. Physical and mental examinations of juvenile delinquents is very rare, and probation as employed in the standard courts in the North is not feasible excepting in a small way.

Similar conditions exist in other Southern States, as may be learned from the report on "Courts in the United States Hearing Children's Cases" published by the Childrens Bureau, U. S. Department of Labor, Washington D. C. 1920.

The juvenile court and probation problems of the South are the problems of the pioneer days of any and all educational

innovations; the conflict between the old and the new. The people of the South have heard of some of the good results achieved by the juvenile courts of the North. They would welcome such results in their own section. They are not conversant, however, with the methods and means involved to make such a change possible. They admire the work of Judge Ben Lindsay but they overlook the fact that this juvenile authority had at his command the use of Denver's fine detention home, the splendid training school at Golden, Col., and the various other facilities without which such results are not possible. They read with satisfaction of the good work done in New York City but, again, they overlook that the New York State Probation Commission lists thirty-nine institutions of various types equipped to deal with all kinds of juvenile delinquents.

Then again the people of the South have not had the opportunity of having presented to them in detail the program of the juvenile court and probation work as applied to the local situation, and therefore view the actions of the juvenile court from a distance as an uninformed but critical spectator. The average person still believes in the efficacy and sufficency of punishment, graduated according to the severity of the offense. Now watch the performance of a modern juvenile court judge through the eyes of an uninitiated spectator. Here is a fifteen year old boy who has taken a watch valued at $100.00 from his aunt's dressing table. The judge gets his story, talks to him a little while, shakes hands with him and sends him home. Another boy twelve or thirteen is brought in charged with stealing a tin horn and a knife from the five and ten cent store, on the next day with taking papers from a newsboy and selling them and later running out of a restaurant without paying for his sandwich. All of which involved a loss of only eighty cents. This boy goes to the State training school. Surely, says the uninitiated spectator, the boy who stole the watch is the bigger criminal and asks why should he go free. The inference may be drawn that the boy's father and the judge belong to the same lodge, but any trained social worker or probation officer can readily explain these apparent injustices to the satisfaction of any inquirer. Then why not do it? Failure to do

so more extensively was probably the main reason why the Louisiana legislature in 1920 refused to amend the truancy clause which defines truancy "as absence from school without cause for more than one week" and at the same time passed a bill permitting the judge of any juvenile court in the State, New Orleans excepted, to commit a juvenile between the ages of thirteen and eighteen to the parish jail. This cannot be adequately done by the few probation officers on the ground. This matter can only be satisfactorily attended to by state or national agencies.

If the National Probation Association could afford to place a field secretary in the South, progress in this section would be rapid and sure. We have already accomplished much and many willing workers are ready for further instruction. But so long as the working units remain isolated without organization and without the friendly supervision and encouragement of state or national agencies our task will be trying and the results in progress as well as in conservation will be unnecessarily slow and individualistic.

MISS CHARLOTTE C. MOORE, PROBATION OFFICER, FOR COLORED CHILDREN, JUVENILE COURT, BIRMINGHAM, ALA.

It must be acceded that the South has been the slowest of all sections of our country to approach human problems scientifically.

The study of human behavior is today receiving greater and greater attention. Social progress is conditioned on the relatively slow changing of the mind of men and on the relatively slow adjustment of man with man and group with group. Signs of such progress are found in all parts of the South. Many agencies for human betterment which have proved successful elsewhere are finding favor in the South.

In the case of juvenile offenders the law is inflicted in too many instances as a punishment rather than a corrective influence. Many young people who come in reach of the law through the courts are made criminals by contact with the forces of the law and by confinement in jails and penitentiaries with the more hardened criminals.

My State of Alabama has found that probation and the probation officer operate to save rather than spoil and juvenile courts

have been established under the juvenile court law in most of the larger towns in the State. That probation work is needed in the South is evidenced by the South's great ignorance. This is nothing more than the frank acknowledgment that the South is behind in general education as is evidenced by the low position the Southern States occupy in the national illiteracy scale.

As long as the convict lease system flourishes as it does in the South the value of a human soul will be measured in dollars and cents and penal procedure will be measured accordingly. The South must learn that reformation in the long run is the bigger dividend payer than the immediate traffic of man power to get more coal, to keep more politicians in jobs, to make more laws to get more convicts. This system causes us to forget the end and purpose of human law.

The more progressive communities are searching for the causes of crime and delinquency and are finding that poor housing conditions, poverty, ignorance, and bad environment, the lack of wholesome amusement, malnutrition, and the necessity of work by both parents are more or less responsible. It follows that crime and delinquency in large measures must be shifted from the accused to society. The South must learn the significance of social neglect.

Perhaps the greater need is to teach citizens respect and reverence for law. This in this new generation must begin with the children. It is too much I suppose to expect that the older heads will ever learn it. History, tradition and previous conditions of servitude preclude it. The home, school and juvenile courts can do much in spite of previous conditions.

The juvenile court occupies a strategic place to reach the first offender and by friendly advice, comradeship, vocational guidance, and education the youth is better able to see that the law is not an enemy but a friend. He is thus inspired with a wholesome respect for law and for those who administer it.

The South offers today the finest and most needed field for probation work. Such work has passed the experimental stage and all we need is a broader vision and an enlarged conception of the value of the human soul whether black or white. Present conditions are a challenge to the South.

REPORT OF THE COMMITTEE ON RURAL PROBATION

Mrs. Jennie W. Erickson, Chief Probation Officer, Juvenile Court, Little Rock, Arkansas, Chairman

As chairman of the Committee on Rural Probation I have made an investigation of some of the methods and practices used by organizations in probation work in sparsely settled communities. This investigation combined with the reports made by the other members of the committee will constitute our findings:

We must bear in mind that not any State has as yet asked for the banner in having a perfectly organized rural probation system. Each State is struggling with the same halts and hitches which you have in mind. It is only through such mediums as the conference we are now attending with plain speaking people, with open-minded listeners who are anxious to return to their people with a program that this great problem can come anywhere near a solution. A chief probation officer in Missouri said he had received very few replies to the seventy-five letters he had sent out to probation officers. Another officer in Illinois says, out of 102 counties, 15 counties are organized. When probation officers cannot read nor write and do not see the importance of replying to imperative questions, surely there is much need of education and effort by those who have seen the light.

Rural probation, to my mind, is a crying necessity. Why? Because it is the good, kind parent of each and every organization of the county. We must begin a campaign for probation officers. There is no set of people so skittish as the farmer and the small town and community member. They look askance at the paper-collared officer who wants to tell them all what to do, and to their way of thinking never does anything. Rural officers are a gift from on high. They are all that Judge Ben Lindsey said they must be, and then some, for in most instances they are dealing with a self-satisfied group of people. The probation officers in the city have among their clientele a restlessness which finds

expression in varied ways, but the delinquency of the rural districts needs a new definition. It does not show a viciousness, but a lethargy and ignorance which must be carefully handled. Then too, the courts in most States, are in a crowded condition, and this particular type of individual cannot be handled at all in the same manner as the city delinquent who expects to and knows how to plead his own cause. So our courts must be made ready to handle not only the juveniles but the parents who are brought in for neglect from the rural districts. I trust that this conference will offer resolutions so teaming with life that we can from them formulate a program which will allow us to come to the 1921 conference with a clearer understanding of what each State is doing.

One of the main helps for this report was the paper given by Mr. E. L. Morgan, National Director of the Bureau of Rural Organizations. He called to our attention in his splendid report the fact that we must be abreast with the times; that fifty years ago there was a satisfactory balance within the rural community in its industrial, educational, social and general living aspects; there was no cry of abandoned farms and no undue movement toward the cities. The alternative of this is the abandoned farm, the unrest in social conditions, the just-be-church with its poorly paid preacher and the teacher who has just been called to teach and whose training has been of the minimum amount. This, to my mind, comprises one of the answers to the question, "why a rural probation officer." In many instances the small farmer has been lost sight of and the large land owner is in control. This condition in itself brings us face to face with many instances of cases of absolute neglect of children. If the rural probation officer serves the county in no other capacity than that of the watchful State parent in protecting the rights of children who are lost to educational and religious training, but who are considered as an industrial factor only, then the probation officer has indeed found a high calling.

This problem which Mr. Morgan has called attention to is finding its adjustment in some respects through the county

demonstration agent. These agents are bringing to light many facts which have hitherto gone unnoticed. They are proving to us conclusively that Bernard Shaw knew something of what he was saying when he said, "The rural home is the woman's workshop and the girl's prison." They have indeed found a cause for much of our delinquency among girls, and they have set about to remedy this by organizing clubs of various interests. But we still find on the outer edge of these clubs the type of boy and girl who comes into juvenile court because they yet are not understood.

I want to give here a little concrete example of how this can be properly handled through perfect co-operation of all agencies. The Canning Club agent in a county in Arkansas reported to a probation officer that there was in the community in which she was working a family that did not find an interest in anything, whose home, because of its neglect, was not a proper place for the children. The rural probation officer immediately made an investigation and found that the children were not physically fit to understand the thought that was being advanced in their community by the Canning Club agent. Two of the children were very cross-eyed. There was a very bad case of adenoids and tonsils and there were other physical defects. One of the children had lost all his front teeth as a result of the kick of a mule. The probation officer brought all three of these children in to the Community House, summoned the father and mother before the juvenile judge where they were made to understand that the condition of their children was due to neglect on their part, that a child's eyes were of the greatest importance, that a child's teeth were necessary to his good health, and that no child could grow to be a worth-while citizen if handicapped in his growth with a diseased throat. These children were properly cared for in the County Hospital and at the dentist's office, and in two months' time all three were doing good work at school, good work at home and were taking an active interest in the Boys' Corn and Pig Club and in the Canning Club, and the father and mother were beginning to see the importance of giving the child a square deal.

This case was properly adjusted by the alertness of the county agent and the true understanding of her work by the rural probation officer. It is very possible to keep the people in the country who can best serve the country by making their conditions livable and by giving them the advantages they require.

The League of Women Voters are doing a most constructive work by bringing to the very doors of the women in the rural communities the Citizenship School. This school discusses every phase of citizenship and carries with it a social hygiene program which has education value to the mothers. This program brings to the mother facts concerning her offspring which are invaluable. The Legislative Committee of the same organization is working with the State Board of Health for a legislative program for child protection.

The commonly known house of detention needs to be carefully scrutinized, the herding together of children should be stopped and no probation officer, especially a rural probation officer, should ever place a child in the house of detention without being very certain that the contaminating influences are properly segregated. The supervision of the house of detention needs scrutiny also, for the day has past when just any good old lady can be placed there.

Children who reflect credit upon the probation system are children, who from the moment of their finding, found life anew because of the personnel of the force directing his new life. The study of conditions is very interesting but in this great America of ours, while we are studying and preventing recurrences through legislation and other means, we need the touch of beauty, the song of joy, the desire to be like the lovely, born in the hearts of our people. I cannot pick my material, I must work with what the conditions have given me, but I can by my desire to be of service plant a thought that will brighten the way.

THE TEST OF PROBATION

James P. Ramsay, Chief Probation Officer, Superior Court, Middlesex County, Massachusetts

The old Mosaic law upon which for centuries our criminal law has been based is a thing of the past. We are now working under the new dispensation of "Go and sin no more." This divine injunction has been woven into the laws of nearly all of our American commonwealths in what is known as the probation system, a project which gives to the average offender an opportunity to work out, under the supervision of a court official, his own salvation or rehabilitation. If the person convicted of crime is sincere and anxious to win back his or her good name, the opportunity is ordinarily accorded them in most of the States of the Union. If he has earned a good conduct mark at the end of his probationary period, which in Massachusetts is two years for those found guilty of felonies in the Superior Courts, his case is filed away in the archives of the court, the offender is forgiven and his offense usually forgotten.

The writer has stood as the best friend of the prisoner at the bar for twenty years in our highest court, a court having jurisdiction over appeals and indictments, in the most historic county in the United States, the county of Middlesex, Massachusetts. During this long period through the blessing of good health he has never missed a single sitting of the court and has never been beyond the reach of the criminals' dock. That is to say, of all the thousands of offenders, young and old, that have passed through the Superior Court in this time, not one has been sentenced without the probation officer knowing in a general way or very thoroughly the history of the offense and the offender.

Such an officer is armed with power invested in him by the legislature to intervene in behalf of any one convicted of crime by recommending to the court a probationary disposition. None is discriminated against or overlooked. It makes no difference whether they are rich or poor, black, white or yellow. In the years of my experience I have led from court into my private

office four thousand three hundred human beings, the youngest a boy of eight, the oldest a man eighty-one years of age. Everyone in this great army has pleaded guilty or been adjudged so of every sort of crime the category of anti-social acts from drunkenness to the modern Cain who, in anger, had killed his brother. I have been asked to tell the members of the National Probation Association what the harvest has been.

Over thirty different judges have sat upon the bench in this court harkening to stories pertaining to these men, women, boys and girls. Recommendations by the probation officer have rarely been denied. A free hand has been accorded him and his assistants to supervise a great proportion of the offenders. When these wards have wilfully failed to profit by the opportunity to reform and have been returned to the court for sentence, the judges have promptly sentenced the back-slider. In view of all this untrammelled effort, what has the salvage been? "Does it pay?"

Briefly stated, 65 per cent of these charges have made good and are back again upon the highway of life. They have become productive citizens, law-abiding and, in some instances, even law-enforcers. They can be found now as members of police departments. Some of them are members of the bar and some have made good as probation officers. They can be located in the counting-room, at the head of public service corporations and in nearly every sort of trade and business.

The question is naturally asked whether as a consequence of this leniency on the part of our courts crime has increased: I think not. Our prisons are being closed and jail wardens have had to find employment in other business. One jail that cost $150,000, at Fall River, Mass., is now a home for that city's poor.

The system has proven its worth as a lifesaver but it falls short of full accomplishment through the lack of the real reforming missionary spirit in many places and a lack of a sufficient staff to do the personal work with thoroughness. For the fiscal year just ended I have collected from my wards $57,000 payable to neglected wives and families and the support of children born out of wedlock. On this very day I have 500 probationers to care for scattered over an area of many miles. For this exacting work

and great responsibility there are but five workers, three men and two women: a cashier, a clerk, a woman probation officer and one other man probation officer beside myself. Across the street from the probation office stands a prison with a criminal population of 120 prisoners and 46 officers to care for them. How disproportionate these numbers are. It is obvious that even in regions where the probation service has come to be relied upon for the most serious work of dealing with offenders there are many too few workers. There is great danger in such a shortage that public sentiment will take reactionary turn because of insufficient supervision and possible failure to surrender to the court as promptly as should be done, the probationers who fail to conduct themselves properly.

Adult probation is no longer an experiment; it is a demonstrated success. More and more the courts are coming to rely upon it. In my own State more than 25 per cent of all convicted offenders are placed on probation, more than three times as many as are committted to institutions. At this moment there are 2,300 prisoners in the State prisons, reformatories and county jails of Massachusetts, and there are 14,600 convicted offenders in the care and control of probation officers. The character of probation cases has undergone a marked change in the past decade. Ten years ago only 30 per cent of the persons placed on probation had committed any more serious offense than drunkenness. In the past year the serious offenses constituted 70 per cent of the probation cases. This is the most convincing testimony that the courts, always conservative, cautious and discriminating have found that the process by which the offender is given a chance to a normal return has justified itself in actual experience.

Such a revelation of practical utility of a correctional project which undertakes to help and to restore occasions no surprise with the seasoned probation officer. It is the showing in bulk of what he is best aware in his observation of how men respond to his efforts in their behalf. It argues for the clothing of every court in our country where adult offenders are tried with the power to place on probation. It demands, along with that grant of power, the equipment of all such courts with workers in sufficient num-

ber and of the right quality to work out a noble design to successful results.

Today the whole of our penal system has undergone a change which is the result of more enlightened views as to the scientific treatment of crime. Just as there has been wonderful progress in medical science and the treatment of physical diseases so great social ailments have been taken hold of by law-makers, judges and others who have realized that it is useless to treat all offenders alike. In other words, we want not only to punish criminal offenders but to reduce their number to the end that courts which are useless if they only punish may be made valuable features in an organization for dealing with evil at its roots.

A STATE-WIDE JUVENILE COURT SYSTEM

ROLAND F. BEASLEY, COMMISSIONER OF PUBLIC WELFARE FOR NORTH CAROLINA

As a result of legislation in 1919, North Carolina has a State-wide system of juvenile courts by which is provided court protection and care to every delinquent, dependent and neglected child under sixteen years of age anywhere and everywhere in the State. Those familiar with the history of juvenile court development know that while courts of this character have been generally provided for urban populations throughout the country, the principle has been extended slowly and with difficulty to rural populations. How one State has undertaken to cover its whole boundaries at once is of peculiar importance to all persons and agencies interested in the general subject.

Prior to last year, North Carolina had a general statute by which any criminal court might voluntarily assume the functions of a juvenile court, but it is hardly necessary to say that nothing worth while came of this for lack of proper machinery and an understanding of what a juvenile court should be. The legislature of 1919 established a uniform system for the State, made a court

in each county mandatory, and provided in the law for all the most modern principles of the juvenile court.

The adult court system of the State, is embraced in twenty judicial districts known as superior court districts, with twenty judges riding the district and holding court at stated periods in each of the counties. There are one hundred counties and a resident clerk of the court is elected in each county, keeping the court open all the time for the transaction of all business not requiring the presence of the presiding judge.

These superior court clerks are made ex-officio judges of the juvenile courts for their respective counties. The juvenile court statute is explicit as to procedure and puts in the hands of the judges all the powers and duties attaching to the most modern juvenile courts.

"Here are one hundred untrained men," it may be said, "who are suddenly given powers and duties with which they are not familiar, and for which they have had no special training. How will it work out in practice?"

My answer is that it will work out satisfactorily for several reasons. The first reason is that these men have not the training that would make them positively unfit, such as having been lawyers accustomed to prosecute, or judges of adult courts having been trained to administer punishment. The next is that they are men of common sense and good judgment as well as human sympathies, else they could not have been elected to their present position under the circumstances existing in this State. They are elected for long terms: they are thoroughly familiar with the people of their counties: they are for the most part Sunday School and church workers or voluntary school officials, and they are always on the job, can be easily reached by the central authority residing in the State Board of Charities and Public Welfare, and are not only teachable but anxious to learn. Probably no other one hundred men could have been selected who would be so well fitted to take up the work.

In order to divorce the juvenile court from the old ideas of criminal procedure and make it in fact an educational and disciplinary agency embracing the necessary work of social adjust-

ment upon which the juvenile court work rests, it was necessary to set up entirely new agencies in each county. In small rural counties there was not sufficient work to employ men devoted exclusively to carrying on a juvenile court, and therefore it was not possible to have such courts unless they could be tied up with some already existing and stable agency. This solution may be found to be the key to the situation in other States.

Given a juvenile court judge and a mandatory procedure in each county, the next step was to provide a paid probation officer for each court. Here again a satisfactory combination was made. A county superintendent of public welfare is appointed in each county by the County Commissioners and the County Board of Education, and his salary paid jointly by the boards. This official is the chief probation officer of the county juvenile court, the chief school attendance officer, and the local officer to carry out the provisions of the child labor law under the direction of State authority. The one hundred counties of the State vary in population from eight to fifty or sixty thousand, and on an average cover about five hundred square miles. The variation in size and population make a certain elasticity necessary in a county system. This point was met by making the county superintendent the chief official and providing supplementary help where needed.

The county superintendents are being selected from former teachers and school superintendents, young men having had Y. M. C. A. training or some war service work and in the more populous counties those having some training in actual probation work and social work of a general nature.

These juvenile court judges and their probation officers, the county superintendents of public welfare, are being assembled from time to time and given instruction in their new duties. A week's work of this kind has been put on at the State University. The courts and the superintendents are bound together under the general supervision of the State Board of Charities and Public Welfare, whose approval is necessary for all probation officials. The State Board has established a division of child welfare with a trained woman at the head whose business will be to keep in

constant contact with the court and probation work and assist in difficult situations.

We are confronted with the problems arising from rural life and from village and small town and small plant manufacturing localities. Our system seems to be elastic enough and compact enough to eventually meet them all. Our plans contemplate utlimately the adequate protection of every delinquent, neglected and dependent child within the State, and we believe that we have the frame work of the machinery for doing it. The child labor law is different from most of the State laws on this subject. It carries the concept of positive child welfare along with the prohibition from work of children under fourteen, the positive feature being compulsory school attendance and machinery for working out a system of public amusements and recreation and social care for children who are forbidden gainful employment. Altogether, North Carolina is making an experiment which is regarded by social welfare workers as deeply important and ambitious.

STUDIES OF CHILDREN'S COURTS BY THE U. S. CHILDREN'S BUREAU

EMMA O. LUNDBERG, DIRECTOR, SOCIAL SERVICE DIVISION, U. S. CHILDREN'S BUREAU

The studies that have been made by the Federal Children's Bureau on the subjects of juvenile delinquency and children's courts have practically all been entered upon at the instigation of the National Probation Association, and we have reported periodically to this conference on the progress made. In planning these studies we have had the benefit of the advice and assistance of your special committees on children's courts, and we look upon the Secretary of this Association and a number of the members as our special guardians in the work of gathering and interpreting data relating to courts. Study of juvenile courts is one of the duties with which the Children's Bureau is

specifically charged by the law under which it was created. It is one of many functions of a bureau upon which there are many demands, and we are unable to make as rapid progress along this particular line as our advisors or ourselves might well desire.

The first studies in this field by the Children's Bureau dealt with juvenile delinquency in certain rural areas of New York State, and with children before the courts of Connecticut. During the war the Bureau made special researches into juvenile delinquency in countries affected by the war, securing material from foreign periodicals, newspapers, and reports. In the Child Welfare Conference held under the auspices of the Children's Bureau in 1919, marking the close of "Children's Year," and in the "standards" adopted, special emphasis was placed on problems connected with juvenile courts and probation. A bulletin containing a comparative, topical analysis of the juvenile court laws of the various States is now in press.

At the annual meeting of this Association in 1918 Miss Belden reported on the plans of a study then beginning—a survey by the questionnaire method of courts hearing children's cases in the United States. Throughout this study we had the advice as well as the active cooperation of the members of this organization and others engaged in children's court work. The report of the survey of courts hearing children's cases was issued early this year, and approximately 10,000 copies have already been distributed.

Information was secured from 2,036 courts. Only 321 of these courts reported special organization for handling children's cases, such as separate hearings, probation service, and special arrangements for the detention of children. Almost half the specially organized courts were located in five States. Twenty-one courts were juvenile courts specially created by law and independent of other court systems. In the United States in 1918 approximately 175,000 children's cases were brought before the courts; of these about 50,000 came before courts not adapted to the handling of children's cases. At least one court in every State reported that children awaiting hearing were detained in jails, and 37 courts in 18 States declared that no effort was made to

separate children detained in jails from old and hardened offenders.

Although every State but one had legislation providing for juvenile probation, less than half the courts hearing children's cases actually had probation service, and less than one-fifth had regular full-time probation officers paid by the court. Many courts failed to secure adequate information regarding the child's home and family circumstances, and his physical and mental condition and personal characteristics. Of more than 2,000 courts, only 145 reported special provision for mental examination, and many of these examined only the children who appeared to present special problems. Physical examinations were often given only to the children who gave evidence of abnormal conditions. The report calls especial attention to the absence of proper facilities for hearing children's cases in rural districts, and the need for increased probation work.

Certain significant tendencies in the juvenile court movement, as revealed in the course of the study, are pointed out in the report. Of prime importance is the increasing recognition of the necessity for the extension and development of the juvenile court organization, so that all children who come before the courts, whether living in the cities or in rural districts, may have an equal chance. Attention is also called to the development in some courts of facilities for thorough physical and mental examination and diagnosis, accompained by the securing of complete family and personal histories; the movement looking toward the coordination of the treatment of juvenile and family cases; State supervision of juvenile court and probation work; and the cooperation and assistance given the court by the other social agencies in the community.

The main value of the questionnaire study was that it furnished a general index of the court organization for hearing children's cases throughout the country. Following the recommendations of your Committee on Children's Courts, the Bureau has now undertaken a comparative study of administrative methods. The plans for this more intensive study, the first part of which

will cover ten courts in various parts of the country, were drawn up in consultation with your committee.

The aim of the study is to gather comparative data in regard to the organization, equipment, methods of work, and results obtained, in representative courts having special organization for children's work. As giving the best basis for this comparable study there were selected for the first series of courts those serving city areas with a population of from 300,000 to 800,000. Selection was also made so that different geographical divisions and types of court systems would be represented. So far as could be ascertained from the questionnaire study, all the courts tentatively selected for inclusion have the following features: Special court room or hearings in chambers; detention home or its equivalent; regular probation service; some provision for physical and mental examinations. Five of the ten courts selected have special, whole-time judges. All but two of the courts reported all cases investigated. Four of the courts are independent of any other court system; three operate under the superior court system; and three under other court systems. Seven of the courts serve counties, two serve cities only, and one serves part of a city.

The Committee on Children's Courts of the National Probation Association advised the Bureau to make the study of "conspicuous successes." It was impracticable to apply this rule absolutely in making the selection of courts. In the first place, the information obtained from the questionnaire study and from other available sources was not always conclusive. Secondly, it is very rarely that any one court has developed all the features of its work with an equal degree of success. We hope to find among the ten courts studied one or more examples of excellent organization and methods for each feature considered essential in juvenile court work. The aim of the report will be to emphasize such outstanding illustrations of good work. Although it will be necessary to point out the handicaps under which many courts operate, and the weak places in their development, the special purpose of the reports will be to place at the disposal of all those interested in the children's court movement a description of the best methods found in the course of the study.

The material will be gained chiefly from observation and personal interviews with court officials and representatives of various agencies in the community who come in contact with the court. In order to verify the conclusions resulting from such observation and interviews, certain statistical data will be gathered in each court, and case histories will be read and analyzed.

The subjects covered will include: (a) The organization of the court—jurisdiction, type of judge and methods of appointment, the probation staff, and other officers of the court. (b) The physical features of the court room or building, including special arrangements for privacy of hearings. (c) The process before hearing—reception of complaints, methods of apprehension, investigation, social work done in complaint cases not brought before the court. (d) Hearing—privacy, frequency, evidence and witnesses, use of referees, and detailed description of hearing. (e) Method of investigation. (f) Methods of detention. (g) Disposition of cases—including use of fines, costs, and restitution; commitment to institutions; placing on probation or under supervision. (h) Methods of probation. (i) Records and reports. (j) The administrative work of the court, including child-placing and aid to mothers. (k) Relation of the court to the handling of adult cases. (1) Cooperation with the police. (m) The relation of the court to other community agencies. (n) State supervision and assistance.

This study has been undertaken too recently to permit of even general conclusions. However, several points already appear to be of especial significance. If conditions similar to those found in courts already studied exist in the other courts included, the lack of funds for the employment of an adequate probation staff must be emphasized as one of the most serious weaknesses. A probation staff which would be fully occupied with the supervision of probationers alone must also be responsible for the making of investigations, for the necessary clerical work, and for other duties in connection with the work of the court. Under these conditions, either the investigation or the supervision, or both, must suffer. Of particular interest is the relation between the court and other social agencies. Too often

there is absence of mutual understanding and consequent failure to cooperate effectually. On the one hand, the court may fail to appreciate the value of the extended acquaintance with the family and the child which a social agency often has developed and to undervalue the agency's judgment. On the other hand, a child-caring or other agency often fails to appreciate the judicial function of the court and the responsibility which rests upon the judge in making his decision. The court fails in its work if it does not translate its experience with individual children into constructive community work, and thus in time effects a lessening of the problems that come before it. Neither individual work with children nor community efforts for their protection can be successful unless they represent the earnest cooperation of all the forces dealing with child welfare.

THE TREATMENT OF WOMEN OFFENDERS IN THE MUNICIPAL COURT OF PHILADELPHIA

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(*Illustrated with lantern slides prepared by the Municipal Court, Educational Department*)

The Misdemeanants' Division of the Municipal Court of Philadelphia has a two-fold jurisdiction, first in the cases of all disorderly children between the ages of sixteen and twenty-one, and second in the cases of all persons arrested for disorderly street-walking. For facility of administration and also because certain fundamental distinctions must be made between the handling of the two sexes, the Misdemeanants' Division is subdivided into the boys and men's department and into the girls and women's department. There is in charge of both departments an administrative chief, Mr. William M. Rouse; and a probation officer, Miss Bertha Freemen is placed in direct charge of the women's division.

This presentation is an attempt to picture the work of the women and girls' department, viz., the probationary, institutional and medical treatment of the women and girls.

I. In every case *women and girls accused of street-walking or prostitution* are brought in as arrest cases,—either alone or with the man whom they were found soliciting. The arrests are usually made by a member of the so-called vice-squad. The girl arrested for street-walking is brought immediately to the Women's Misdemeanants' building, which is an old Philadelphia school house—the Vaux School, remodeled to suit the purposes of the court. She is not taken to a station-house first, nor is she placed in a cell-room after she is brought to the court building. She is at once taken to the medical ward dormitory on the second floor of the building. Here she is interviewed by a probation officer, her social history entered on a standard face sheet and record forms. This provides material for further investigation if needed.

The next step is an interview with the house physician in charge of diagnosis. The physician who is a regular paid staff member secures all personal and family medical data. A typist sits behind a screen taking dictated notes of the interview, although she does not see the girl and the girl does not see her.

The next step is a physical examination as to general physical condition, made by the same physician, the typist still taking notes. The girl now passes into the adjoining room to be examined by the skin (venereal) specialist, who first examines for glandular and others signs of a specific condition. A typist also unobserved by the girl makes notes here.

The next step is the taking of the Wassermann test for the detection of syphilis. The test is made by the same physician. An examination of the throat for mucous patches (evidence of specific disease) follows,—made by the same physician.

The girl is now referred to the gynecologist who makes an examination so that the medical staff may report definitely as to the presence of either gonorrhea or syphilis. A gonorrhea smear is taken.

All the medical data collected after being written up is sent to

the medical record room, where it is on file but is not accessible by anyone but the medical staff.

For the next step the girl or woman is sent to the psychiatrist who makes tests for neurological conditions. One of the tests employed is the well-known Romberg test, useful in uncovering bad habits, such the taking of narcotic drugs, etc.

The next examination is the psychometric for measuring mental content, viz., the tests which reveal either feeble-mindedness or low mentality. The Binet Simon tests are used—the form-board tests, etc.

In another nearby room, a finger-print is made of the girls who have been arrested for street-walking. These prints are classified and identified if the girl has been in court before.

Not until a complete picture, social, mental, physical and medical has been made, so to speak, is the girl taken to court. This is all done, of course, either on the day before or on the morning of the trial. The judge thus has all the data which will guide him in making a decision of the case before him. The man who was arrested with the girl is brought before the bar at the same time. The court decision in the ordinary course of events will be:

(1) Commitment to the House of Correction, with medical treatment when necessary.

(2) Medical treatment for the non-ambulant cases at the Gynecean Hospital,—the hospital of the Municipal Court,—with probation following cure and release.

(3) Probation, accompanied by attendance at the venereal night clinic for those ambulant cases in need of medical oversight.

(4) Discharge on probation for those having no medical condition.

(5) Discharged as not guilty.

Following this a conference of the probation and house staff makes plans in accordance with the judge's decision.

The Women Misdemeanants' building has a medical ward of fifty-seven beds where the girls are kept temporarily before trial, as has been indicated, or after trial until disposition is made.

This ward is like an ordinary very large hospital ward. The women and girls live here while confined in the building and take their meals here. Facilities for sewing, crocheting, reading, etc., are provided in the same rooms. All clothing of the girls and all bed linens, as well as other linens in the house, are sterilized in a large sterilizer. There is a kitchen in which the young girls arrested for incorrigibility only, help prepare the meals.

Of course the greatest discretion is used in making the various tests and examinations, which are voluntary with first offenders. All physicians, making examinations or assisting, are women.

II. *Girls arrested for incorrigibility and waywardness:* The girls who are brought into court because of incorrigibility, i.e., the girls between sixteen and twenty-one years of age, coming under the disorderly children act, usually come to court because they are runaways from another city, or more usually, because their parents make complaint. With them as much of the procedure described as may be necessary is used. No finger prints are taken. They are housed in the third floor and each girl has a separate room; there is also a small dormitory. These rooms are tastefully furnished and in them the girl may exercise her own individuality. They have an attractive dining room to themselves. There is a recreation room or lounge in which the girls read, sew and play games under supervision. The girls who come in give up their valuables and when discharged receive them again.

The cases of these girls are also, of course, brought before the judge for disposition. The disposition may either be: (1) Institutional commitment, (2) probation or (3) discharge.

Sometimes these girls who also may have had sex experience, altho not as street-walkers, may be infected. They are then either referred to:

(1) The Gynecean Hospital for treatment and subsequent probation; or (2) clinical treatment and probation.

III. The Gynecean Hospital which is in another building has been turned over to the sole use of the court by the managers. It is devoted altogther to the treatment of specific disease of

women and girls committed by the court to its care. The hospital has a capacity of seventy beds. The medical wards are attractive and cheerful. While here they receive the Arseno Benzol treatment for specific disease administered by the court gynecologist. They have a separate dining room and attractive china and dishes. They have reading classes conducted by interested individuals from outside. There is a recreation room for dances, games etc.

IV. The medical building and laboratory of the court is used for medical examinations and to house the laboratory. In the laboratory all the test specimens, urine specimens, etc., are examined. Wassermanns are examined here. Gonorrhea smears are also examined here.

The court dentist sees patients here. Both the incorrigible girls and the women arrested for street-walking are examined by him for dental care. No charge is made except for materials. To this building all men arrested with the women for disorderly street-walking are also brought. If the men are found to be infected, medical treatment is made a compulsory part of their probation. Girls or women who are released from the Gynecean Hospital or from the medical ward must come to the night venereal clinic either for treatment or for oversight, or for medicine if the medical staff thinks it needful.

V. During the period of probation, the probationer is visited by her probation officer and reports regularly to her when required at the Women Midemeanants' building. When physical, medical, social and moral rehabilitation has been effected, then the probationer is discharged. The social and probationary treatment, which it is not the aim of this paper to describe, goes hand in hand with the medical and the scientific handling which have been presented. Careful distinction is made between the work with the young incorrigible girl and the older girls and women arrested for disorderly conduct.

Slides of these processes have been made by the court and can be obtained when their use is important either to the purpose of an institution or organization or their use is desired as propaganda for the introduction of a similar system elsewhere.

REPORT OF THE COMMITTEE ON COURTS OF DOMESTIC RELATIONS

MRS. MARY E. PADDON, MEMBER N. Y. STATE PROBATION COMMISSION, SECRETARY CRIMINAL COURTS COMMITTEE NEW YORK CITY, CHAIRMAN

As the courts of domestic relations which exist in different parts of the country are primarily concerned in the conservation and protection of family life, let us begin this report by suggesting that the Committee on Courts of Domestic Relations of the National Probation Association be known hereafter as the Committee on Family Courts and that we seek to have such courts as are still known as courts of domestic relations called family courts.

During the past few years the reports of this Committee have included recommendations concerning the organization of domestic relations or family courts, the types of cases which should be heard in such courts, the great value of scientific investigations, adequate probation work and co-operation with social agencies. The National Probation Association acting upon these recommendations has, through printed propaganda and the very effective and human propaganda of the spoken word of its members, aroused throughout the country a greater interest in and a wider understanding of the need of family courts and the service they can render to a community.

Judge Hoffman, who has not only been chairman of this Committee, but also President of the Association, has in his court in Cincinnati made most remarkable progress. All who heard his report last year or have read an article of his published in the February issue of the Journal of Criminal Law & Criminology called "Social Aspects of the Family Court" know how far Judge Hoffman has gone and what a real social force he has made of his court.

This year it seems as if the time had come to turn from big principles and general propaganda to more concrete phases of the problem. The creation of family courts is the first and

most important step in the movement, but the success and value of these courts is dependent in a large degree on the details of procedure and it is with the question of a socialized procedure and the standardization of procedure that we wish to deal in this report.

Let us consider an ideal method of procedure in a domestic relations or family court, and when we say a family court in this case we mean a court dealing with the relation between husband and wife, as that is the type of court recognized most generally throughout the country as a domestic relations or family court.

In 1919 one of the judges who sat in the Courts of Domestic Relations of New York City went to the Legislature with an amended Domestic Relations Court Act and with the co-operation of social and civic organizations secured its passage. This new law, which went into effect July 1, 1919, has made possible many changes in the domestic relations court procedure in New York which have meant an amazing improvement in the system.

Mr. Cooley, Chief Probation Officer of the Magistrates' Courts of New York City, has, in co-operation with the judges assigned to the Domestic Relations Court and others interested, outlined and put into effect in the Domestic Relations Court of Manhattan a system of procedure which approaches the ideal and which is the basis of the system we wish to outline to you as a possible standard of socialized procedure in such courts. It is the result of much study, not only of local conditions but of the advantages and weaknesses of the systems of similar courts throughout the country.

Let us, then, see how a woman whose husband had deserted or failed to provide for her would secure the help she desired. On her arrival at the court she should be confronted with an information desk or booth. To the information clerk she would give her name, address etc., and state whether or not this was her first appeal to the court. This information would be sent automatically to the record room in order that any previous record might be looked up. While this was being done the

woman would sit in the general waiting-room until a woman interviewer was free to talk with her. If she had children they could be left in the nursery which opens off the waiting-room and where a public health nurse would be in charge. When the woman went to her interview it would be in a private room where she might pour out her troubles to another woman who should inspire her at once with confidence. As she talked a record would be made of the interview. When she left she would be told that the interviewer would see and talk with her husband and a date would be set for a conference between the husband, the wife and the interviewer. This conference would be in five days' time. Until then the woman would be sent home with a card upon which was written her name, her husband's name, the name of the interviewer and the date upon which she was to return. She would also be told that she would be visited in a few days. Should the woman be in real distress she would not leave the building until her need was met. If it was ascertained through the Social Service Exchange or Central Bureau of Records that she had been known to other agencies they would be communicated with by telephone and one of them pledged to give immediate assistance. If the woman had no previous connection with any agency she would be referred to one of the volunteer groups working at the court who would give or secure for her the necessary relief.

A form letter would now be sent to the husband asking him to come to see the interviewer on the date and at the hour written upon the card given to his wife. If the husband failed to keep his appointment the facts in the case with the report of the social investigator would be laid before the judge for his immediate attention, which would probably mean that either a summons or a warrant would be issued for the man.

Immediately after the interview had been recorded and the letter sent to the husband the record of the interview should be given to the social investigator, better called visitor, who, beginning with the Social Service Exchange or Central Record Bureau, would check up the woman's story, visit the home to learn what kind of a housekeeper she was, what sort of a neighborhood she

lived in, etc. She would also visit the husband's employer to ascertain the amount of his earnings and possibly other members of the family who could throw light on the cause of the family trouble. Should the interviewer or visitor find in the history anything that would make her believe that mental abnormality or a pathological condition had aggravated the family trouble she should arrange for a clinical examination. In the ideal court there would be a clinic to study such cases but, failing that, the social worker must use the best available clinics. The result of the clinical examination—diagnosis, prognosis and recommendations would be incorporated in the visitor's report.

This report in typewritten form should be in the hands of the interviewer when the conference with husband and wife takes place on the fifth day. When or if the husband arrived for this appointment the interviewer would see him first alone to give him a chance to tell his side of the story, she should be careful to impress upon him her impartiality and desire to give both sides a fair hearing. After their private talk, if the man was amenable to reason, the wife would be included in the conference and in many cases a reconciliation could be effected or an agreement reached. Even if a reconciliation were reached, in many cases it would seem wise to continue the friendly visiting with the family. Such cases should be turned over to volunteer agencies and be considered preventive work.

In cases where it seems unwise to urge a couple to live together, at least for the time being, an agreement can often be reached whereby the husband will contribute a fixed sum for the support of his family. Although this may be done without any trial of the case in court an agreement form setting forth the terms accepted by both parties should be signed by the husband, wife and interviewer and submitted to the judge for his approval and signature. This agreement would thereby become a court order. The New York Act, which is Chap. 339 of the Laws of 1919, has a provision which reads, "Upon the consent of the defendant, the magistrate without convicting the defendant of being a disorderly person may make an order herein which shall

be enforceable in all respects as under an order made after conviction."

This agreement would place upon the court the responsibility for seeing that it was properly lived up to. A visitor attached to the probation department should visit such cases and upon any violation of the agreement the case be automatically reopened. The man will have much more respect for the court if he finds that although it is willing to give him a square deal he cannot with impunity violate a court order.

In those cases where the husband failed to keep the appointment made by the interviewer and was brought to court either by a summons or a warrant the case would have to be tried before the judge, but there would be available for his consideration the results of the investigation made by the social worker. Such a hearing should be in a small court room with no one present who was not directly interested. This hearing should be more in the nature of an informal inquiry than a formal trial and the surroundings should be such as would impress all those concerned with the dignity of an American court and at the same time convince them that the court considered the solidarity and integrity of the family of far greater importance to the community than petty squabbles or family prejudices, and that it would uphold the rights of the wife and children and afford them just protection.

If this socialized procedure is followed in domestic relations court cases there is much more chance of bringing about lasting reconciliations than without it. Nothing is more prejudicial to an amicable adjustment of family difficulties than to take a case before the judge for trial without all the information which can be obtained being in the hands of the interviewer and until she has used all her tact and resources to bring about an agreement or a reconciliation.

To precipitate two indignant and aggrieved individuals into the witness box is inimical to future family peace. The wife feels that she must justify her presence in court, the husband hopes to justify his neglect of his duty—so there are many bitter words spoken which it is hard to forget. A wise judge

may succeed in effecting a reconciliation after recriminations have been uttered under oath, but the sting is lessened if the whole affair has been discussed in a private round table conference with the interviewer and an agreement reached so that when the man and woman appear before the judge it is to place before him the facts of the case and to receive his endorsement of the agreement which makes it a court order. The fact that the court order is as effective in such a case as in a case where the man is tried and convicted gives ample protection to the woman.

In those cases in which the judge is compelled to find the man guilty of failing to live up to his family obligations as prescribed by the law, probation is the logical treatment until it is definitely proved that more drastic measures are necessary.

The treatment of cases upon probation has been dealt with often and adequately by this organization, but your Committee wishes to emphasize the fact that of all the classes of cases which can be put upon probation the case from the domestic relations court is the most important and possibly the most difficult. In a children's court there is an appreciable percentage of cases in which both parents are willing to co-operate with the probation officer for the rehabilitation and welfare of the child, but in a domestic relations court case the officer has the father and mother at odds with each other and the children suffering as a result of the disrupted home; in short, he has individual problems as well as a family problem to deal with.

No probation officer with a high ideal of his profession can be content to see that the man in the case makes his payments promptly and consider that he has done all that is necessary. If there is any time when a probation officer needs to be a "social engineer" it is in a family case. All the resources of the community should be tapped to reconstruct this family, provided always that the human material is such that the reconstruction will be the best thing for the children and for society. Even a probation officer can not "build bricks without straw" so wherever there is insanity, feeblemindedness, degeneracy or brutality the interests of society will *not* be best served by keeping together individuals with abnormal tendencies. For this

reason it is important that the domestic relations courts should have the power to grant separation. If there is to be "justice for the poor" the assistance of the courts in such matters should be as easily available for the woman with small means as for the woman with a good income.

In order that the probation officer may work intelligently in calling in the assistance of religious, social or civic organizations he must know what agencies, if any, have worked with the family before. This information he will have as a matter of routine from the original investigation if the court uses a central record bureau wherever there is one available.

Judge Hoffman writes "Our court has now acquired some of the facilities necessary for research work. We began work under our central record system on January first, and the results produced are beyond our expectations. It will not be long until it will be possible for us to determine at once the status of any family that comes into the court. Even in our brief experience we have had before us at the hearings in both divisions facts that would otherwise not have been revealed. In the beginning it did not seem possible that a central record system could be so organized that the history of any family in the city could be produced at once; that is if the family had any kind of public record. I feel certain that when the system is functioning properly it will be one of the great aids at the service of the court."

Central record bureaus exist in various cities under different names:—in Boston, the Confidential Exchange; in New York, the Social Service Exchange; in Detroit, the Registration Bureau of the Department of Public Welfare; but whatever the name the service is practically the same and is invaluable in family cases, especially in a domestic relations court where the investigator needs to secure essential information in a limited time.

The general working plan of all central record bureaus is practically the same. To take for example the Social Service Exchange of New York City, which is a department of the Charity Organization Society, its organization and service cannot

be better described than in its own published statement which is as follows:

"Maintains a card catalogue of the names and addresses of families under care of the co-operating agencies using the Exchange. With the names and addresses of the families are the names of the organizations which have registered them.

"Thus, while carrying no information whatever about the families in question, the Exchange makes it possible for each social agency to learn what other agencies are in touch with the families or individuals whom it is endeavoring to serve. Duplication of work is minimized and a maximum amount of co-operation between different organizations is secured. The Exchange now lists over 370,000 families and received from 50,000 to 70,000 inquiries a year. Two hundred seventy-eight New York City agencies made use of its services during the year ending October, 1919."

Your Committee urges such registration as an important step in the investigation of family court cases.

The difficulties of extradition in cases of desertion and non-support have too often hampered justice. Because it is so difficult to secure extradition several States use the "Fugitive from Justice Act" to bring back absconding husbands. Your Committee recommends that the possibility of the extension of the Fugitive from Justice Act be given serious consideration by this Association.

There are so many phases of domestic relations court problems which are receiving different treatment in various parts of the country and so great a need for a better understanding of them that we believe that a survey of the domestic relations courts and family courts throughout the country would be of great value. As the conservation of family life is essentially a part of child welfare, it seems quite proper that the National Probation Association should ask the Federal Children's Bureau to undertake such a study. Your Committee therefore submits the following recommendations:

First: That the name of this Committee be changed from The Committee on Courts of Domestic Relations to The Committee on Family Courts.

Second: That an effort be made to secure standardization of procedure in family courts throughout the country.

Third: That all family courts not already using a social service exchange or central record bureau be urged to do so and that wherever it is found that no such exchange exists that the court create or cause to be created a central record bureau.

Fourth: That an effort be made to secure an extension of the Fugitive from Justice Act as it is so difficult to secure extradition of absconding husbands; also standard marriage and divorce laws.

Fifth: That the National Probation Association ask the Federal Children's Bureau or one of the large foundations to make a study of domestic relations and family courts throughout the United States.

THE GOVERNMENT CAMPAIGN AGAINST VENEREAL DISEASE; ITS RELATION TO THE WORK OF THE COURTS

WILLIAM EDLER, SCIENTIFIC ASSISTANT, U. S. PUBLIC HEALTH SERVICE

In July 1918 Congress appropriated $4,200,000 for the control of venereal disease in the various states. No doubt the country being at war, the protection of both the actual and potential American soldier prompted this national interest. $1,000,000 a year for the fiscal years 1919-1920 have been apportoned to thosie State Boards of Health whose States have enacted legislation and appropriated funds to come within the requirements of the so-called "Chamberlain-Kahn Bill."

Under the stimulation of war time interest and partly to share in this Government appropriation, practically all of the States of the Union have not only availed themselves of this financial assistance in this venereal disease campaign but a great deal of legislation, both State acts and city ordinances,

have been enacted in an attempt to control and eradicate venereal disease in its epidemic aspects.

The Government's campaign has been conducted by a special bureau created by Congressional act; the Venereal Disease Bureau of the U. S. Public Health Service. A special board, the Interdepartmental Social Hygiene Board, consisting of officers of the navy, the army, and the United States Public Health Service, was delegated the task of disbursing this fund to the various States. The campaign resolved itself into three great subdivisions—an educational program, a medical program and a program to stimulate law enforcement. Perhaps no national fight against any disease has ever secured the degree of publicity that this campaign against venereal disease has had in the past two years.

The Public Health Service has adopted in this fight, in principle at least, as it has in every other campaign against specific diseases, that the carrier of the infection is the logical place to attack in order to curb the dissemination of the disease in a community. A prostitute, whether public or clandestine, is unquestionably such a carrier and an infector in every community. All prostitutes have been, are, or will be infected with venereal disease. Mathematically they cannot escape it, and, logically, the way to fight any disease is to eradicate its causative sources.

It is appreciated that "prostitution is the oldest profession in the world;" and this is presumed by those who quote the adage to be ample reason for the continuation of the business. It is because of the fact that the prostitutes and various other sex delinquents are frequently brought before trial courts that the venereal disease campaign of the Government has closely touched elbows with the judiciary of the criminal courts of the various States. Let us before going any further, lest we be accused of advocating many things we do not advocate, justify our position with reference to prostitutes and prostitution.

Most prostitutes have venereal disease in some form or other. (between 80 and 90%). On precisely the same basis that the Public Health Service fight mosquitoes to exterminate malaria,

rats to eradicate the plague, dogs to control hydrophobia, on the same basis is the suppression of prostitution found to curb venereal diseases. It will be noted there is nothing said pro or con about the moral phase of prostitution, nor anything concerning prostitution's interest in corrupting law enforcement organizations. Wholly and solely from a health standpoint, health authorities advocate not the control of prostitution, not the surveillance, nor the restriction of it, but the absolute extermination of it in every community. Thus have we come into intimate relationship with the courts.

Many zealous workers in health departments have requested, some have even demanded, of the courts that prostitutes arrested for violations of the law in practicing prostitution be summarily jailed, examined and detained for veneral disease where no legislation has ever been enacted that gave the courts such authority. If the trial judge has been unwise enough to be swayed by these enthusiasts, the court itself is open to criticism. It is only in such States or such cities where adequate legislation has been enacted that the prostitute or her patrons can be forcibly detained for examination and treatment of veneral diseases.

It must be remembered that even where such legislation exists the dual function of the judiciary and the health department must be called into play to properly consummate the object to be attained. Practicing prostitution in a State or city where such practice violates the law is, of course, a crime. It is not a crime in any State or city to have a venereal disease any more than it is a crime to have smallpox, typhoid fever or any other communicable disease. In most States it *is* a crime to expose healthy people to venereal diseases by a person who has acquired such a malady. Syphilis, gonorrhea and chancroidal infections have been put in the category of communicable diseases, and as such are subject to the laws of quarantine, detention and isolation as are other communicable diseases. It is this distinction with relation to courts that has not been stresser and should be impressed emphatically. In the first instance, with reference to prostitution, the courts have complete jurisdiction; in the second, with the assistance of the

courts, the health department should have control. The two must necessarily co-operate to secure results and for this reason the following program would be well for the courts and the health department to agree on:

1st. Adequate legislation should be enacted giving the health authorities power to examine persons reasonably suspected of having venereal disease and to quarantine and detain them if they are found infected.

2nd. The courts should not where the aforesaid power is invested, remand any person arrested for a sex crime to bail until the health department has decided they are not venereally infected.

3rd. The police department should not under any circumstances, where sex crimes are involved, be permitted by courts to accept money, or valuables, as a guarantee for the appearance of the offender at the trial court.

4th. Prostitutes convicted as such should never be punished with a fine. A fine firstly is a far fetched form of license; and secondly, it merely stimulates the activity of the prostitute, making it necessary for her to not only earn her living, but in addition sufficient money to pay her fine.

In such States as have industrial homes for delinquent women, the offender should be given an indeterminate sentence. Where the state makes no such provision, a maximum sentence of incarceration should always be the punishmen meted out. This not only acts as a deterrent, but controls the number of venereal disease exposures in the community by decreasing the number of exposers. Where the law is adequate to permit the health officer to examine and quarantine venereally diseased persons, or examine suspected venereally diseased persons or to quarantine or detain those who are found infected, such health officer under authority of the board of health, should detain such persons when found infected until they are at least non infectious to the community. The question of justly handling first offenders is one that will have to be settled by the intelligence of the individual court and the advice of his parole officers.

There is no reason why the male patron of a prostitute should not be suspected of having a venereal disease and should not be examined to ascertain his physical condition. If in raids on houses of prostitution the police department would as accurately record the actual names and addresses of the men corralled in such raids, and if the health department would be as actively interested in examining these same men for venereal disease, prostitution would soon become an unpopular social institution.

The experience of most of the men and women engaged in this campaign has been that the prostitute fears the health authorities more than she does the courts.

There is no question today but that the amount of venereal disease in a community is directly proportionate to the number of sex exposures: the number of sex exposures are in direct proportion to the number of prostitutes actually plying their vocation. No sane person expects to within a year or two's time to eradicate prostitution or venereal disease. We can cut down the volume of venereal disease by cutting down not only the number of prostitutes, but the actual freedom with which they work. Prostitutes who do not feel safe and who are not protected necessarily cannot as handily ply their trade, and therefore cannot reach the same number of men within a given period of time. If exposures are cut down 75%, venereal disease rates must follow the same scale, and it is in order that such a low rate as is consistent with the medical intelligence of the community that law enforcement against prostitution should be carried to its highest degree.

The prostitute must be protected from society. She is not mentally equipped to withstand the pressure of the social impediments in her way. Society certainly should be protected from a parasitic, disease spreading human who is economically useless, socially impossible, mentally warped or crippled and criminally menacing, and a carrier of a triad of communicable diseases that costs every State in the Union millions of dollars, thousands of lives, and contributing approximately one fifth of the mental and physical wrecks in our State and city institutions.

THE VALUE TO THE PROBATION OFFICER OF STUDY OF THE OFFENDER

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The job of the probation officer is a distinctly constructive one. The function of probation is two fold: on the one hand it seeks to act as a deterrent force, striving to prevent repetition of offense by the probationer. On the other hand and to perhaps even a greater degree, the desire of the best type of probation officer is a more active, positive one; he endeavors to help the individual actively and positively to make good; he is not content if the individual simply does not commit a wrong; he wishes rather that he may be a contributor to society, an active agent for good in the community.

Preventing repetition of offense and efforts at constructive betterment require (1) understanding the problem involved in the delinquency of each individual offender and (2) knowing the potentialities and possibilities of development in each individual, his assets and his handicaps. Each of these objects necessitates, for best achievement, study of the offender.

I. Understanding

Understanding the delinquencies committed requires not so much knowledge of the nature of the offense and its magnitude, but much more, ascertaining the genesis or beginning of the misconduct and the causes that lie back of it. Social maladjustments, including anti-social conduct, can no more be understood or rationally met without knowledge of their origin and development than can physical ills be treated without study of etiology and diagnosis of the ailment.

Experience tends to show that rarely is there any *one* cause which offers the explanation of delinquent acts. *Home conditions* may be exceedingly wretched; so bad indeed, that one could readily believe them accountable for any misbehavior. Yet in equally squalid homes, non-delinquent individuals, useful,

valuable citizens, grow up. From the same homes come brothers and sisters, some severely delinquent, others not so in the slightest degree.

The same may be said of poor *neighborhood conditions.* Though congested city districts, with their excitements and temptations, may play ever so large a rôle in misconduct, one cannot, without study of the individual case, know the part they play in any one instance. For even in the worst sections of the city not all the dwellers are bad.

Some theorists—and indeed some practical workers—have believed that all sorts of evils are the consequence of some one condition. Smoking or other deleterious habits, bad companions, poor recreations,—"movies," dances, lurid literature—these and other things all have been held responsible for misconduct.

In reality no one can be sure just what share of responsibility any one of these factors has, nor what other features of the situation are also operative, until one has studied the individual case. And without such study as will reveal the causations, how can one endeavor sensibly and with any hope of success to aid the offender in overcoming the forces that have already led him into trouble?

II. Development of Potentialities

The value of study of the offender is even clearer from the point of view of constructive efforts. Here one wishes to know definitely what to do and what promise of success such constructive efforts may have. Clearly it is folly to attempt certain things with the feebleminded or to expect good outcomes unless the measures undertaken are within their limited powers. Obviously it is wasteful to society and unfair to the individual not to take into account the abilities of the gifted or supernormal.

Yet the needs and possibilities, physical, mental and moral, cannot be recognized except by study. It is essential to include a physical examination in order to bring to light physical defects that need remedy if the individual is to be healthy and happy and to put forth his best efforts. This is important whether there is any direct bearing on delinquency or not; the relationship may

be indirect and yet a vital one in upbuilding character, not to mention the educational or vocational implications that may exist. Sensory defects—eye strain, diminished hearing—nervous disturbance, anemia, heart affections, epilepsy, and the dozen and one other physical ills to which any of us may be subject—can these be discerned except by careful examination? And yet if they exist, is it not folly that the facts should not be known, taken into account, remedied if possible, if not, allowed for in practical adjustment.

As for mental equipment, there is no way of making an accurate and adequate diagnosis other than by examination. Even feeble-mindedness cannot be determined except by use of standardized tests unless the degree is extreme. One cannot tell by *physical appearance;* some normal people look dull, some feeble-minded have responive expression and good features. Recently two boys, sent from a correctional institution, sat waiting to be examined. The one looked dull, sleepy, slouchy; the other bright-eyed and alert. The psychologist who selected the latter for examination expecting to find an interesting, intelligent lad was disappointed; the boy proved to be feebleminded. The former lad, on the contrary, was normal in ability in spite of his apathetic appearance. Years of clinical experience has not enabled us to judge from physical makeup with any degree of accuracy the mental abilities of individuals.

Nor can one be altogether certain from *conversation* just how bright the individual is. We must remember the feebleminded verbalist, whose greatest gifts lie in the field of language. These defectives talk well, at least when telling of things that lie within the range of their experience; yet psychological tests reveal their deficiencies. Certainly one cannot judge by *report,* not even by *school records* for there are children who, though bright are misfits in the ordinary type of schoolroom, and there are dull ones who progress because of good memory powers or conscientious efforts. And this is true, too, of *work records.*

On the other hand, we can no more judge without study the degree of normal intelligence, whether the individual is of fair, good or supernormal ability. Nor can special abilities and dis-

abilities that may be socially of vast importance be detected except by examination. They may exist unrecognized when the practical procedures should be largely conditioned by them. Mental abnormalities, ranging from minor peculiarities to out-and-out psychoses play their part, too, and need study to be understood and diagnosed.

One must know something of the experiences the individual has passed through and their effects upon him, of the social background in each case, of the environment in which he has grown up, of the interests he has developed, and of the thoughts and ideas that fill his mind.

When one knows the physical and mental makeup of each offender, the background of the situation, the interplay of environment and personality, one is ready to undertake practical measures suited to the neeeds of the case and the potentialities of the individual. Then, too, a fair estimate can be reached of the possibilities of success or the likelihood of failure ensuing from practical measures. But only after such study of the offender can such an estimate fairly be made.

INSTINCT AND CONDUCT

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Tendency to utilize fundamental principles.—Social agencies long established, generally have arisen in times so urgent that their fundamental features, if recognized, were overshadowed by more immediate needs. Consequently in some such agencies development has not kept pace with age and growth. Now that a better scientific equipment is available we may estimate the soundness of an organization's structure from the activity of its interest in fundamental phenomena with which it is concerned.

Whether as traditions elemental facts point the way to societal welfare or as ultimate biological tendencies they interpret conduct, basic principles ought always to direct the course of every community interest. An increasing tendency so to utilize the field of social medicine more freely appears when the annual program of this organization, for example, in its infancy is compared with its present plan. Forty years ago the *civic* aspects of pauperism, prostitution, delinquency, and insanity were largely emphasized. Today we are advocating an analysis of the *individual* in order to direct him sympathetically toward making his own adjustment in the community. We are striving to keep him out of the segregative institution rather than to hasten his admission.

Physico-chemical basis of personality.—In this program for community betterment through improved individual co-operation what analytical elements of the human organism are to be dealt with? Primarily we should observe traits or characteristics that distinguish persons, that differentiate the usual and the unusual. However, the evidence that man has evolved from simpler organisms, which in turn were the result of inorganic activities, is so conclusive that at once it is rational to assume personal participation in animal propensities and still further to recognize man's relation to chemical and physical phenomena. Nor does a scientific interpretation of creation tend to destroy religious formulas but rather to strengthen their foundations by establishing their identity and social utility as biological manifestations.

Trite though it at first appears, the mere differentiation of things and persons is an important principle. For things are the results of relentless conditions. The transformation of the inorganic to the organic is effected as soon as an ability develops toward adjustment under conditions not fixed. An opportunity thus is given the unusual individual to demonstrate his fitness for survival. Thus the mere capacity for adaptation is a primitive tendency of fundamental social significance. As a personal characteristic even the most casual observer perceives its variability. No two individuals possess it alike and its unique qualities in human beings constitute the attribute called personality.

Whether or not we agree with Haldane that personality "is the great central fact of the universe," the quality itself connotes profound individual differences calling for analytical treatment. Yet when we turn to anthropological zoölogy in order scientifically to examine human conduct—for as yet medical practice hardly recognizes such a need—a number of imperfectly related fields of research present themselves, none of which deals clinically with character, the source of conduct, the central feature of personality.

Character study in literature.—Yet if one turns a page, first or last, of the world's religious formulas, or reads the secular literature of any period, one finds that "having an instinct throned in reason's place," as the poet Bridges expresses it, is the central feature of conduct; and the analysis of character is attempted in terms of feelings, emotions, and sentiments. Terror and revenge are the dominant elements of the noblest canticle of the Middle Ages. Sympathy, a sharing in all feeling, is the ideal of modern religious teaching. "What were your habits when you were a lad?" asks the Gaelic novice of King Cormac. His poetic reply exhausts the list of primitive feelings "through which the young become old and kingly warriors." Chekhov in one of his plays makes the young government doctor ask the peasant councillor with his heart and soul aching in the grip of circumstances: "Do you really think that your character is so mysterious, and that I am too stupid to tell vice from virtue?" Ivanov replies: "A man may be a splendid doctor, and at the same time a very bad judge of human nature; you will admit that, unless you are too self-confident." "In each one of us there are too many springs, too many wheels and cogs for us to judge each other by first impressions or by two or three external indications."

Biological interpretation.—Although some administrators have passed the stage of experience in which no examination or the psychological examination alone is relied upon to interpret personal situations, the necessity for adopting a broader point of view based upon biological data has not become sufficiently general. We have what purports to be a science of the personality based upon

mental tests only, while those agencies supplying the energy and exhibiting the forces for intelligence to organize are completely left out of account. Our character is built upon a much more primitive basis than that upon which our intelligence is founded. Character represents factors that determine traditions and customs, that mold society, the organization of whose elements results in civilization. The biologist must emphasize the primitive mechanisms concerned with the nutrition, protection, and reproduction of the organism and should seek to determine what values they now possess for the higher ends of conduct. These primitive impulses by original purpose directed involuntarily the preservation of the individual and the species and their mechanism has been perfected through countless trials and failures. Their accuracy and delicacy of adjustment have been rivaled by no artificial human discovery. Such primitive impulses generally are called instincts. Like most purely descriptive terms *instinct* cannot be used with accuracy, but since it is a symbol so widely adopted its dimissal would cause confusion without real solution.

Relation of instinct to energy.—It is doubtful if a clear conception of instinct can be formulated on other than physico-chemical grounds in which energy and force are fundamental elements. The physicist Holman pointed out most clearly that energies are causes performing muscular or other actions and producing effects, while forces are modes of action. Failure so to distinguish energies from forces has caused confusion, while the application of this point of view to vital phenomena clearly interprets the physical basis of character. A stone possesses energy, one of whose modes of action may be interpreted by our senses as a feeling of weight—a word symbolizing, not the cause nor the *effect* but rather the *affect* or the way we are moved by the display of energy, latent or active, in the stone. An intense generative tendency inducing emotional manifestations in the human organism may be due to glandular energies, chemically active, whose forces or modes of action are interpreted by our senses as irresponsible behavior or as unseemly conduct.

Behavior and conduct defined.—In the study of human society it is helpful, likewise, to recognize in behavior forces or instinctive

modes of activity that are inborn, whose earliest results normally control the child, guiding his development, and whose later activities may usurp from adult control or will its voluntary authority. Conduct on the other hand is acquired; it shows the results of behavior organized to accord with social surroundings; it shows voluntary control according to the higher levels of consciousness or awareness. Behavior describes animal-like activities, conduct indicates harmony with the needs of social life. Nocturnal enuresis may be a behavioristic phenomenon later to become organized as an element of conduct. Animals like the dog and the horse exhibit the beginnings of conduct whose development in the normal child is well under way at the age of two years.

Correlated fields.—The analysis of conduct, therefore, concerns itself with the instinctive tendencies (i.e., the physical and chemical energy-modes or forces), expressed in character. Yet these forces are more clearly interpreted in the light of the primitive developmental relations of various organs as they appear in the embryo. To physico-chemical and embryonic features should be added the knowledge that the human nervous system though acting as a unified mechanism is in reality a combination of many organic types that have been adjusted specifically to the water, the air, the tree-tops, the earth, and various combinations of these environments. By eliminating, welding, concentrating, and developing additional parts the human control station has become a mechanism capable of storing up, associating and analyzing the experiences of the normal personality. It has been able to dominate instinctive tendencies and bring them into harmony with social forces.

The clinical situation.—This hasty sketch of fundamental principles may preface a review of the clinical situation. In seeking the assistance of social medicine the administrator wants information from three main fields. These fields relate to intelligence, to character, and to health. The first is satisfied by the psychological examination, showing the degree of mental capacity and its special abilities and disabilities, so well demonstrated by Bronner. This information helps us to become oriented as to the subject's usual adjustive or co-operative capacity. Funda-

mentally it shows his relative position in the categories of things and organisms. Yet careful observers often refuse to accept the psychologist's dictum of normal intelligence applied to an individual whose conduct makes him a community menace; or again of feeblemindedness applied to a well- behaved laborer who is educating a large family. The fallacy often is found to lie in a narrow conception of the personality. Further examination of the biological factors of the ancestry—bearing in mind the present tendency to misinterpret and overemphasize true heredity in the human organism—and of development, with its important environmental conditions and stages of progress, lends a quite different aspect to the situation. For therein appear certain primitive ways, recognized through ages of trial as the best ways of responding to demands for food. Likewise, there is evidence that nature has developed special means of protection in case unknown dangers might overwhelm the unsuspecting organism; also that the higher organisms at least are impelled to leave progeny; also that these creatures have slowly found solace in companionship and sympathy with the result that gregarious instinct has evolved as a conditioning mechanism. Moreover so great an importance seems to be attached to these ways of behaving that they have acquired special times and cues for development, disregard of which unbalances the play and the player.

Instinctive interpretation.—As a dynamic order the instincts interpret energies contributed through the two most delicate and potent mechanisms of the body—the nervous system and the series of endocrinous glands, structures already mentioned. Instinctive forces display themselves as appetites, needs, desires, attitudes, and feelings, qualities termed *affective,* or impelling, tendencies. Affects represent an indefinite number, perhaps a dozen biological interests certain of which have been recognized and symbolized as anger, fear, wonder, disgust, dominance, submissiveness, and so on.

In the expression through instinctive tendencies of environmental energies it is clear that a variety of feelings arise, forces so great in number that their genesis from a mere handful of primitive affects might be questioned. Reflection, however,

shows that anger is not always combined with dominance to produce destruction nor fear with submissiveness. With wonder, anger as well as fear has guided mankind to prodigious scientific achievements. Thus, although few in number primitive affects may produce a countless variety of combinations, a result readily explained when it is recalled that a score of elemental units may be arranged to form myriads of combination groups.

Affective tendencies express the trends of instinctive development and organization, themselves the constituents of behavior and its higher manifestation, conduct. Observation and interpretation of such tendencies as they appear clinically, especially in children, are therefore of utmost importance in the analysis and establishment of character, for they are the foundations of character. According to their mode and degree of organization into groups, affective tendencies receive various systematic names. At least three such groups, may here be considered because of their diagnostic value in defining situations presented in the field of social medicine.

Organization of affects.—A familiar example of loosely organised affective tendencies in the no man's land between behavior and conduct is the reaction mode designated as an attitude. The trained teacher dismisses the session with a care to leave in the minds of the pupils no uneasy feeling akin to fear or anger respecting the day's accomplishment. The aim should be to maintain the child in a pleasant setting of wonder toward the morrow's tasks. Thus his subsequent play, food, and sleep activities are undisturbed by vague, intruding apprehensions about his studies or by shadows of vindictiveness toward his teacher and he returns next day, rested, nourished, and eager for his school work. In such a situation the child's affective tendencies, although so indistinct as barely to mirror his instinctive trends, tinge his behavior with an attitude reacting favorably upon physical and mental hygiene. The result is an establishment of interest, the development of aptitudes and the maintenance of social progress.

Continued harmonizing of the child's instinctive tendencies results further in the organization of the more complex com-

binations of affects—the sentiments. Love and hate are examples of these greater systems of affective tendencies whose function in character relates to the control of behavior and the development of conduct, while their disorganization with consequent lack of will or control causes a reversion to the plane of behavior. Elsewhere I have reported a group of fugitive pilferers whose sentiments lacked the leaven of anger and fear and whose adjustment was based upon the introduction of these affects as elements of their character solution.

In the development of character our instinctive manifestations or affective tendencies group themselves in their organization into loosely integrated attitudes and into highly developed sentiments. Utilizing these the human organism is able to harmonize its crude though essential animal needs, such as the generative impulse, with formal social conditions such for example as are imposed upon the sexes in their family life. But there is another important group of character elements—the emotions. Observers who maintain that emotions represent groups of inadequately organized affective tendencies appear to have made an important practical contribution to clinical study of character. A brilliant example of affective disorganization, Lafcadio Hearn, contributed the opinion, formulated from his own self-analysis, that the emotions are not, as a rule, educated at all outside of the home circle. "The great public schools," he continued, "of all countries have a system which either ignores the emotions or leaves them unprotected." Certainly the importance of distinguishing clearly between emotions and affective tendencies has been neglected. While emotions presuppose affective tendencies the reverse is not always true, for these elemental forces are imperceptible in their normal relations and it is their coming into action that may represent the emotion. Emotions, then, are only sudden and violent modes of setting in action forces that the affective tendencies represent, while one and the same tendency may, according to external circumstances, give rise to diverse emotions, to those of varying quality, or even to no emotion at all.

Let us return to our public school situation for a further example. Suppose the placid attitude of the children on entering school, an attitude containing as one of its normal constituents fear sufficient for ordinary protection, suddenly is broken by the noise of the fire gong. Various types of behavior are shown in the response of the children to this unusual situation. In general their reaction is a too rapid and intense form of activity uncontrolled by organized effort. As Rignano expresses it: "There is an overflow of nervous energy, which, suddenly released in great quantities spreads and pours forth in numerous other outlets than those which are closely connected with the locomotor apparatus." Primitive, biological protective tendencies temporarily achieve their freedom, and control, will, or reason is in abeyance. In the individual whose instinctive elements are organized thoroughly—a condition not often prevailing in childhood—the reaction is no more sudden nor intense than is compatible with an orderly and useful attempt to get away from harm in the most advantageous way. This quality of control over one's affective life popularly is attributed to "unemotional" people. Perhaps such individuals exist, though we might not have sufficient social interest to attempt their discovery. In one of his most witty letters on the subject of controlling one's feelings Mark Twain has said: "No one is sane straight along, year in and year out, and we all know it. . . . An immense upheaval of feeling can at any time topple us distinctly over the sanity-line for a little while; and then if our form happens to be of the murderous kind we must look out—and so must the spectator."

Ethical interpretations.—Without forcing ourselves to draw ethical conclusions from experimental data we need not avoid an opportunity to interpret scientifically a number of descriptive terms whose wide social adoption is their chief excuse for recognition in an exact nomenclature. Among these the word *sin* bears a special relation to instinct inasmuch as affective tendencies are so frequently interpreted as sins. It is well pointed out by Hocking that sin and the crude manifestations of instinct are not identical. Sin is the deliberate failure to interpret an impulse so that it will comfirm or increase our instinctive integration toward

character. Many childish impulses are inconvenient to the adult; some innate dispositions are dangerous yet there is nothing in original human nature which taken by itself can be called evil. What then is the basis of this anti-social principle we call evil? William Patten has well defined co-operation as "a universal creative and preservative agent through which evolution as a summation of power is realized. 'Evil' is that which destroys or prevents co-operation and 'good' is that which perpetuates or improves co-operation while the 'struggle for existence' is a contest merely to find better ways and means of co-operation. When it is realized that the fittest is the one who best co-operates, scientific, religious, and social ideals will be seen generally to stand on common ground and to have a common purpose."

And what of our old friend conscience "that hath," as King Richard says, "a thousand several tongues"? Is not conscience the personal attitude toward self-analysis; the recognition not yet clarified into a sentiment or precept, that certain tendencies possess a questionable value in the organization of character and, therefore, ought to be submitted to examination? It has been called the latest and finest instrument evolved for the building of character.

Introspective phenomena.—Although our biological analysis of the personality utilizes behavior as its most suggestive field it includes also the data of introspection. The naïve description of affective tendencies undergoing social organization that sometimes stands out in the clinical picture as the result of self-examination is enlightening. In their nascent state, for example, such tendencies as fear and wonder in the child's earliest rumination over obscene words and pictures may appear in a self-analysis of his thought even earlier than they are shown in his behavior. A too narrow partisanship sometimes leads us to forget the importance in clinical diagnosis of introspective technic. However, it is evident to every observer that accurate physico-chemical tests are needed to assist in substantiating details now resting too largely upon a descriptive basis. For a time the Abderhalden Reaction appeared to hold out hope in this direction and physical chemistry undoubtedly is nearing the goal. Yet in the appli-

cation of both subjective and objective methods of examination probably too much stress is laid upon so-called physical and mental tests, especially as these tests are largely in the hands of novices or of individuals without scientific training or clinical experience. Complete reliance upon these facile means to supplant the results of long periods of experimental observation may lead to superficial results. Toward improving our data parents and social administrators should be taught how to observe and what to record in order that a personal history may follow the child from its home, through the school, into industry, business or profession, thereby becoming a document useful to the adult. In this connection it may be stated that we are not suffering so much from want of accurate, technical instruments as from inefficient use of those we already have.

Illustrative clinical case.—As in the clinical observation of acute organic infections one fails to find the clear-cut symptoms that his study of pathology has led him to expect, the fundamental features of the disease appearing vividly only in unusual cases, so instinctive tendencies may be studied most clearly in unbalanced personalities.

This history herewith submitted to illustrate the thesis that a study of instinct must form the basis of all analyses of conduct touches briefly only the most evident characteristics in an unbalanced individual. The case is not presented as a medical study but only as an incomplete picture in the biological development of conduct. The subject, a prepossessing woman of thirty-six, was a younger member of a family of poor working people of an easily excitable race. Although the home surroundings were unhygienic, the parental attitude one of irritability, and the range of interests much restricted, there was no direct evidence of alcoholism or of chronic infectious disease nor of real want for life's ordinary necessities. Birth, infancy, and childhood were uneventful respecting disease or injury. The entire family met satisfactorily their educational requirements and the mental capacity of the subject was somewhat above normal. Religious discipline was rigidly enforced. Of a solitary nature the girl made few close friends and came early

to rebel against her own less congenial home atmosphere. Thus there developed toward her parents an estrangement with mutual misinterpretation of conduct. The organization of her social interests was left entirely to her own whims with this result: Leaving school at fourteen and entering industry, she had a varied and unsuccessful career till twenty-four when she entered a convent school to fit herself for a nun, remaining there two years. Dissatisfaction with food and home-sickness led her to leave the convent and take up clerical work with moderate success for six years, at the end of which time her marriage took place. The few years of wedlock have brought no living children, although offspring has been greatly desired. Although always unhappy, she finds no fault with her husband whose overindulgent attitude toward her whims and moods hinders adequate organization of character. Although of an affectionate, steady disposition, a rigid churchman, with some insight into his wife's disorder, the husband is not a dominant personality. A condition of chronic invalidism has organized itself about this young woman's nutritive functions until she has become a veritable "mollusc." Intimately related to her gastrointestinal complex is her sexual conflict. She is unable to eat with satisfaction; she is unable to fulfil her marital desires and duties. Specialists for each and every organ have been consulted time without number without avail. She shuns advice unless it is medicated and yet rebels against each new prescription. Her favorite consultants are those who psychoanalyze her erotic dreams and fantasies. Competent observers who have had her under hospital supervision have assured themselves that she has, essentially, no organic disorder.

Emphatic features in the history of her nutritive development are as follows: As an infant she rebelled against milk but would assimilate solids; she always appeared to crave intensive stimulation of taste and smell. As early as at two years of age she would revel in condiments, beer, whiskey, kümmel, and tobacco, all of which were taken whenever they could be had. Sometimes she had an appetite for garbage and blood, again food prepared by the negro cook filled her with intense disgust. Her adult gastrointestinal complex began with disgust and fear over

the ingestion of apricot skins. Her food reactions were always of a very finical nature.

As a child her earliest recollection pertained to feelings of pleasure about the reproductive organs. Her clothes were arranged as tightly as possible in order to produce friction with the genitalia. As a little girl, smoking, in which she indulged as freely as possible, produced intense sexual stimulation. She wanted to be enveloped in smoke in order to intensify her sexual delight. At three years of age she began to exchange views with boys. At five sexual contact with other girls and attempts to gratify curiosity over sexual matters led to the carnal use of fowls, peeping at adults, and finally autoerotism. Following the establishment of adolescence, frequent visits to her confessor, whom she exonerates, had as their avowed object sexual discussions. In her medical advisors she was not so fortunate, two of whom gratified her feelings in an unnatural manner. Filled with ruminations, fantasies, and desires she finally decided upon matrimony as a solution. No satisfaction ever resulted from normal relations, at least none until an attempt was made to effect a normal organization.

An analysis of affective tendencies especially related to her contact with society shows the presence of tantrums definitely observed in the first year of life. Some of her introspections are as follows: "The least opposition from others always made me mad and I have always had such a hard time to be civil to people. As early as I can recall I would pout and mope for a whole month at a time." "As a child I was afraid of everything that was alive or that seemed to have the power of moving. The blowing of the wind, the shriek of a locomotive, the sight of an oncoming storm, filled me with horror and made me have such pains all through my body that I would become terribly excited. I was always sad, afraid of being punished, certain that no one cared for me, wanting to be alone yet afraid when I was alone."

The term *libido,* applied by Freud and modified in its connotation by Jung, aptly defines the affective tendencies as they appear in the earliest stages of their development. They first show themselves in the infant as vague wants or longings, words

Anglicizing the Latin term *libido*. Not yet have they begun to show a definite trend of interest. In the personality we are considering this vague quality persists into adult life in its relations to instinctive tendencies. Never does the primitive want become organized in a normal fashion. It continuously shows itself in worries, anxieties, and indecisions arising as early as the second year of life. It appears in such statements as: "I always felt that nobobdy wanted me; that nothing ever was just right; that I was never satisfied with anyone whom I ever met or with anything I ever had; I always wanted someone else, it was a longing for someone who could satisfy me—and it was never gratified."

At present, for want of experimental data, one hesitates to explain personal peculiarities on a definitely structural or functional basis. At the same time there is much evidence for concluding that the foundations of character may develop instability either from nervous disorganization or from glandular disharmonies or from both. In the present instance we see neither spasmodic tendencies nor other distinctly nervous phenomena. Nevertheless ability to harmonize instinctive tendencies and social forces is wanting. Thus the basis for character is poor; [illegible] some instances we find will or control sufficiently dev[illegible] encourage a satisfactory social adjustment, even though [illegible] may be inadequate.

Summarizing the case, therefore, one finds a healthy woman whose family and community life is so disorganized as a result of inadequate instinctive tendencies that she has become essentially useless as a social unit.

Conclusion.—Our introduction of the Kallikak family several years ago attempted to verify the hereditary character of mental defect and establish feeblemindedness as largely responsible for drunkenness, prostitution, pauperism, and other social evils. Early recognition and segregation were recommended as "the ideal and perfectly satisfactory method of dealing with the situation" in spite of the fact that the problem was said to involve a large part of the community. While today we recognize the institution as an instrument of great assistance we at the same time appreciate its limited field of application. More than ever we

realize that generally the ills of society and the maladjustments of modern civilization must be worked out in the community. As Elwood and other sociological writers have shown, the crux of the social problem is the control of individual character, a result that can accrue only from an analysis of the personality in its relations to better housing, sounder prenatal conditions, more nearly adequate diet, broader principles of education, a living wage for all responsible persons, hygienic working conditions, and opportunities for wholesome recreation.

THE ADMINISTRATIVE VERSUS THE TREATMENT ASPECTS OF PROBATION

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[illegible]idling all large working units of human beings, the [illegible]rator is confronted with the great problem of properly [illegible]and adjusting the claims of the system against those of the individual. This is true of all aspects of modern activities in the industries, in the schools, in the army and navy, and in all branches of government service. Wherever large aggregations of people work together, there we find, active or dormant, the tug and clash, the two opposing interests of the system and of the individual.

In certain fields, such as manufacturing and the army and navy, a certain proportion of results do accrue, even when the individuality of the worker is confined and limited, but especially in one great essential activity, that of teaching, the stultification of the individual worker defeats its aim immediately and irrevocably. Anyone who has taught in a large school system, realizes intimately the irony and folly of excessive administrative control and supervision. Wherever the members of an organization deal directly without human beings and not with materials,

there must the administrator walk with reverent fear. For he who would mold the human spirit, infinitely complex and varied in its composition, cannot be bound by iron-clad rules, senseless and obsolete formulae, or endless red tape. Great guiding principles, general standards of work, a thorough grasp of the fundamentals of the problem, must exist, but not a minute, officious prescribing of every trifling detail of the work. Latitude must be left for the play and drive of the imagination and the individual originality of the workers in dealing with their precious human material.

In a great probation system the same problem looms large. How shall the administrator reconcile the rival and often conflicting interests of the system with those of the probation officer, which means, ultimately, those of the probationer? A frequent and dangerous tendency of the administrator is to classify and standardize the work of his staff to such an extent that the individual worker is hampered and deterred from putting forth his best energies. On the other hand, the tendency of the probation officer is to make each case a law unto itself, so as to lose direction in a bewildering mass of details, and inevitably obstruct the proper functioning of the system. The administrator must determine the golden mean between excessive standardization and uniformity on one hand, and undue individualization on the other,

The most important problem of an administrator is that of securing a capable probation staff, for the most significant factor in probation work is the personal influence of the probation officers. The other factors simply provide conditions under which that influence may be rendered effective. Probation officers should be persons of absolute integrity, of intelligence, of human sentiments, of sound judgment and of unquestioned devotion to their work. To these qualities two others should be added to complete the ideal probation officer: first, a broad training in social work, which includes a thorough knowledge of the laws enacted for the protection of society and for promoting the welfare of its less fortunate members, and also a thorough acquaintance with all the agencies, public and private, established for

the administration of those laws; and secondly, the wisdom gathered from extended experience in the work itself.

Nothing is more indicative of the greater interest in probation work nor more conducive to improvement, both in the quantity and quality of the service, than the larger salaries which are being paid each year to probation officers. There is hardly any feature of the system more important, both in order to obtain qualified persons who can devote their entire time to the work, and also to hold them after they have secured experience. Better salaries are urged, solely for the purpose of raising the standard of the service. When one considers the demands made upon the probation officer and the responsibility which rests upon him, it is clear that salaries of $1,200 and $1,500 are still inadequate.

After men with the right personality and experience have obtained for the probation staff, it is essential that they should be properly trained and that an *esprit de corps* be developed among them. Conferences of the whole staff should be held at regular intervals, and pertinent and up-to-date problems discussed, often by outside speakers. Difficult case conferences should be held regularly between the deputies, the probation officers-in-charge, and the probation officers of the various bureaus. Moreover, difficult case conferences should be also held frequently with the judges.

Probation officers everywhere have been greatly overburdened, and consequently the case work of probation has not always attained its highest development. Fifty cases at any one time is the maximum number which should be given to any officer, if we desire real probation work to be performed. And yet in most parts of the country probation officers are carrying as many as two hundred and two hundred and fifty cases per officer. In spite of the fact that a small increase was secured this year the probation system in the Magistrates' Courts of New York City needs a staff twice its present size in order to perform its functions adequately. One of the great problems of the service is to convince the public and the appropriating bodies of the vital necessity of providing an adequate probation staff.

There is not likely to be an effective probation system in any city until there is a considerable body of public opinion informed as to the meaning and value of probation, and until a number of citizens become publicly identified with and responsible for such work. Such citizens in turn will create and extend public opinion in its favor, demand higher and better standards in its administration, and protect it from improper influences.

A court for probationers has been organized in the Magistrates' Courts of New York City. The Probation Court is not merely a device for establishing sympathetic relationships between the magistrates and the probationers. It is the means of centering in one court the whole judicial supervision of persons on probation. A judicial termination of all probation periods is desirable. This gives dignity and impressiveness to the final act of the probation process. A more intelligent disposition of cases is secured by having them all reviewed, at the end of probation, by a single magistrate, who can apply uniform standards in deciding whether the men should be discharged, continued under oversight, or committed to an institution. Moreover, there is the advantage of having one magistrate to hear and determine all violations of probation. To those whose conduct during probation has been satisfactory an official certificate of discharge should be issued. This certificate is a sort of diploma, which can be shown by the probationer to anyone who in the future questions his fulfilment of the conditions of his probation. The proceedings in these courts should be simple and informal and suggestive of the atmosphere surrounding most juvenile courts. A further service that the court will render is that of strengthening the work of the probation officers. It is already noticeable that the work of probation officers has improved under the stimulation of the Probation Court.

Our probation system is constantly co-operating with social agencies and organizations and helping them in the solution of various difficulties. In turn other institutions are constantly drawn upon to aid our probation service along lines for which they are specially equipped, so that there is a close and active interchange of ideas and information. We register with the

Social Service Exchange and in all our case work attempt to secure for our families constructive aid and service from other agencies. The able administrator keeps constantly before the attention of the staff those problems in which he and his workers naturally and spontaneously co-operate so as to reduce in their minds the importance of other problems, the solution of which frequently give rise to a certain degree of friction and opposition. There are some problems, however, that confront the administrator, in the solution of which he must exercise his utmost ingenuity and tactfulness, in which there must be established a delicate adjustment of the interests of the service and those of the probation officers and their charges.

One advantage of limiting the work of each probation officer to a restricted area is that it economizes the time necessary to cover his territory. It also obviates overlapping of territory. Another advantage is that it enables him to know the people and different sources of information in his district. A fourth advantage, and one that appears to us of great importance, is that he is able to secure valuable assistance and help for his probationers from the social agencies in his district. No probation officer can expect to spread himself out so widely as to be all things to all those under his care. He should rather be a social engineer who will draw, whenever necessary, upon the resources and aid of the local welfare agencies.

In our preliminary investigations our probation officers seek information from as many sources as possible and are discriminating as to the relative competency and credibility of the persons from whom they obtain information. In making investigations the probation officers interview the defendant, the members of his family, relatives, friends, neighbors, associates, employers and other persons. They also consult all agencies and records that are available and write and telegraph to other places for information. The inquiries are painstaking, for any misinformation might work serious injustice. Investigations are also conducted very discreetly lest the probation officer unnecessarily harm the defendant by letting it become too widely know that he has been arrested or convicted of crime.

One special feature of the preliminary investigation work which is given careful attention is that of physical and mental examinations. We have, for example, a psychiatrist stationed in the Women's Court. This is virtually the nucleus of the mental clinic. A similar clinic is being established in the Family Court. Moreover, we have numerous and excellent clinical resources scattered throughout the city, which include facilities for both mental and physical examination. These services have been utilized to their fullest extent and have been extremely valuable and helpful in making more effective the court and probation service.

During the first interview with his charge, the probation officer makes it a point to establish a friendly and sympathetic relationship. In the event that further information is required with regard to the probationer and his family which does not appear in the preliminary investigation report, a supplementary inquiry is made. After the necessary information is at hand, the probation officers, in collaboration with the supervisors, formulate a plan of probation treatment.

The treatment aspects of the case work of probation is divided into six major divisions: health, which includes physical and mental examination, medical treatment, and utilization of the hospital and clinical resources of the city, for the benefit of the probationer and his family; education, which means taking advantage of the opportunities offered by the night schools, special schools, settlements, Americanization and citizenship classes, trade schools, etc. The probation officer also sees to it that his probationer's children of school age attend school regularly, and when they reach working age, he helps them in securing advantageous work; employment, that is, attention to the economic side of the probationer's life. This includes securing employment for men who have no jobs, personally and by co-operation with all the employment bureaus, public or private. For men whose present work is not satisfactory, better positions are obtained. The probation officers also encourage thrift and the habit of saving. Whenever necessary, loans are secured for the individual and the family; recreation, or a recognition of the

play spirit, for this all of the great resources of the city are called into service—clubs, settlements, playgrounds, gymnasiums, athletic associations, community centers, and other agencies; spiritual development, which is the most important work of the probation officer. One of the most vital forces making for right conduct is religion. Church and religious organizations are brought into play, and the clergyman, priest, or rabbi is requested to visit the family. Every effort is made to inculcate a spirit of self-reliance in the probationer and to develop strength of character; the family and not the individual is considered as the unit of the probation officer's work. The probation officer does not confine his efforts to the particular individual on probation, but considers the other members who may need attention or help, especially the children. In working with the family, social agencies are utilized fully and every attempt is made to avoid duplication of effort.

As to the results of probation, our records show that 75 per cent of all those placed on probation make good. One important study which should be made is that of actually checking up and getting behind the results of probation by making a careful and discreet inquiry into the conditions and activities of former probationers from three to five years after their discharge from supervision. Such a study is being planned of the probation work in New York.

Probation needs a methodology something on the order of that set forth in Miss Richmond's book on "*Social Diagnosis,*" one which considers the different types of probation cases and formulates the most effective methods of handling them. We need the same painstaking study of the human personality that the physician makes of the human body, the same study of the functions of the human spirit that the physician makes of human physiology, the same study of healing and upbuilding of human conduct, character, and personality that the physicians make of the toxicology and hygiene of the human body. Such a methodology, developed from a first hand study of actual cases, constantly applied afresh to individuals for constructive purposes, and used by properly trained probation officers, could not become mechanical and

academic, any more than a physician who treats dozens of patients a day can become mechanical and unrelated to reality in his work. With a scientific probation technique, drawing its inspiration from a realization of the significance of its task, obtaining its information in the vast laboratory of life as a whole, we need never fear that the claims of the administrator will endanger the claim of the individual.

The probation work in the family courts is really the heart of the probation service in any system. Nothing is more significant, more far-reaching in effect, than adequate supervisory work of the problems that arise in the family courts. The work of the probation officers is supplemented by the friendly service of the Big Sisters of all denominations working with the women and children in the home. In treating these problems, the closest and the most active co-operation with all social agencies is maintained. A special group of officers is assigned to each of the three family courts. This staff is divided into a Bureau of Investigation and Bureau of Supervision. We have also a financial division or Alimony Bureau, where moneys are paid for the support of families. All manner of family problems are brought to these courts, and virtually the whole family is on probation.

The probation procedure which has been set up in these courts provides for skillful, sympathetic and constructive treatment of each family that comes for assistance to the family courts. The outstanding features of the plan are as follows: 1. The woman in trouble coming to the court for the first time tells her story to a woman officer instead of to a man. 2. A plan of interview, inquiry and conference is followed, making it possible for many couples to come to an agreement or to be reconciled without court action. 3. Private hearings are held in each case, requiring court action, and a friendly round table discussion of the family difficulties is carried on. The public hearing and formal court action with its attendant evils has been eliminated. 4. Through registration with the Social Service Exchange and the building up of a plan of co-operation with all social agencies, through the use of salaried workers from private organizations, the utilization of clinical facilities, and as a result of the socialization of the

procedure, we have made these courts veritable clearing houses for the treatment of family troubles.

The work of the women's courts is especially strong and well organized. Specially trained women probation officers are assigned to these large social evil courts and they have the active co-operation of the workers from all the agencies doing protective work with girls and women. Careful physical and mental examinations are carried on, the finger print system of identification is utilized, the probation officers make exhaustive social investigations, case treatment is most carefully planned, detention homes, emergency funds and other resources are available, and excellent co-operation is maintained with all of the social forces of the city.

In the district courts we have the problems of young offenders, boys convicted of such offenses as disorderly conduct, breaches of the peace, vagrancy, public intoxication, and violation of ordinances. Here the probation service handles an unusually large volume of preliminary investigation work, and also provides friendly guidance and effective aid to a large number of youthful delinquents who have taken a first and sometimes a serious step in a criminal career. The probation officers also render a great deal of service in straightening out daily and neighborhood disagreements which are brought to the courts for action.

Enough has been said to indicate that administration in its highest aspects means merely an organized method whereby the efforts of a large group of individuals can best be expressed and the largest and most desirable results attained. We must have administration, but let us not forget that administration must exist only to permit the most perfect functioning of the fundamental principle for which probation stands—namely, the building up of character and family life.

LESSONS FROM THE PRINCIPLES GOVERNING THE PAROLE PROCEDURE IN HOSPITALS FOR THE INSANE

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It will be found useful to consider the practice of State hospitals for the insane in regard to the parole of patients, and the principles underlying this practice in its relation to the parole of delinquents, for both the insane and the delinquent are in public care because of disorders of behavior. Restoration to capacity for self-care and to ability to contribute to the good of society are the desired ends in the treatment of both the insane and the delinquent.

The medical aspects of insanity have been much more thoroughly studied. Procedures for the restoration of the insane to useful living have been much more thoroughly worked out. We are only at the beginning of the medical and psychological study of delinquents, but we have a considerable body of knowledge in the science of psychiatry, which is simply psychology applied in the field of mental disorder. An extension of this field of applied psychology in the study of delinquency has now been entered upon and has developed the usefulness of parole, as well as of other restorative practices in the field of delinquency.

There are, however, distinct differences in the applicability of the concept of parole to the insane and to the delinquent. The non-insane and non-feebleminded offender has knowingly taken his chance in offending. It is said that he is morally responsible. Whatever may be our concepts of morality and of responsibility, it is a fact that the natural history of a conduct disorder and the study of the means of its correction lie in the field of psychology. One must study mental mechanisms, as the psychiatrist does, in order to use parole intelligently for the restoration of the delinquent to social living. We want to find out why

the offender acted in an anti-social manner in order that we may rehabilitate him.

It seems justifiable to expect that psychology applied in this field should be able to find a way to reconstruct and rehabilitate the personality of every non-insane and non-feebleminded offender so that he should be able to be a real contributor to society's progress. On the other hand, in the field of mental disorder, the disordered conduct often proceeds from pathological conditions of the nervous system. Some of these diseases of nerve tissue science has found no means of correcting. With our best therapeutic methods, it is, therefore, impossible to correct and restore to society all of the insane.

In the days since Philippe Pinel, we have learned much concerning the mental mechanisms of the delinquent as well as of the insane. In his day the insane were shackled in dungeons. He removed the shackles. Asylums replaced dungeons for the insane. Hospitals have since replaced asylums. Psychiatrists have replaced alienists. Prevention looms larger in psychiatry than does cure.

So the dungeon has been replaced, for the criminal, by the reformatory. Our theory is no longer "An eye for an eye and a tooth for a tooth," but we attempt to ascertain the cause of the anti-social conduct, and then to remove the cause. Re-education and realignment of motives to conduct have no use for solitary confinement or for the idle house. They attempt *intelligent direction of the activities* of the offender. We realize that only through practice in living can he learn how to live. Parole is the last step in this re-education process. Knowledge gained in the re-education of the delinquent constitutes most important laboratory findings in the field of education. By learning how to socialize offenders, we learn how to prevent crime. Prevention of crime is conservation of social resources in the same sense that prevention of typhoid in the army is conservation of social resources.

In State hospital practice parole connotes a *trial visit* of the patient from the hospital to a private home. The privilege of this trial visit is granted with the hope and expectation that the patient will be able to progress in his recovery so that he will no

longer need the supervision of the hospital, but he goes on the visit with the distinct understanding that he is continued under hospital supervision; that he must report to the hospital at frequent intervals; that he can obtain advice and help from the hospital at any time, and if necessary, can return for residence in the hospital. Commonly these trial visits are granted for periods of six or twelve months. By the end of the period of parole, if the patient is doing well, he is automatically discharged from the hospital.

Parole has developed as a means of finishing off the rehabilitative processes begun under medical supervision in the hospital. From the point of view of rehabilitation of character and re-establishment of the individual in society, it is the only logical means of safely bridging over the gap between hospital care and self-directed life in the community. From the point of view of the hospital management, it does serve to reduce population and thus it dimishes the public expense for the maintenance of the insane. For many patients can be discharged under supervision and become self-supporting under these conditions when it would be unsafe to discharge them absolutely from hospital supervision.

Those who have to do with the treatment of the insane, understand by the word "insanity" such a degree of loss of control over conduct as makes it neccessary for society to curtail the liberty of the individual and put him under treatment. This loss of control of the individual may proceed from a brain lesion, from a toxic condition as from typhoid fever, or from an overwhelming of the mental balance by external stress, such as financial disaster.

This mentally sick person is taken in hand as a sick person. He is not to be cuffed about by the police. He is not to be lodged in jail. Preferably, he is sent for by the hospital and conveyed thither by a nurse or social worker who understands the insane. Such a nurse or social worker going for the prospective patient ascertains immediate facts in regard to family relations, business relations, and the personal history of the individual. Such facts are gathered from friends, relatives, and medical attendants.

By these means the medical staff of the hosiptal has an intelli-

gent start upon the case. The first business of the hospital is to relieve the physical condition. If the patient is excited there is no resort to physical restraint or even to hypnotics. The prolonged tepid bath is found a much more satisfactory means of combating this violent discharge of nervous energy. If the patient is syphilitic, proper administration of arsenic and mercury are ordered. If any toxic substance is found or suspected, measures are taken for its prompt elimination. Any and every rational means for the restoration of normal functioning are adopted. So also a depressed patient is studied with a view of finding the cause of the depression and the elimination of the cause. In every sort of case it is found that employment is a most useful means for the reconstruction of character and re-establishment of normal social relations. Even in the beginning of nervous and mental disorders, the place of employment as a restorative has been found to be most important.

Handwork of some sort is found useful in the re-organization of character in restoration of the individual to his place in society and in the re-establishment of the individual on an economic basis in the community. The re-organization of the character or reconstruction of the personality is the primary object of employment in the State hospital. When a patient's interest is secured in some objective piece of manual work, we have secured the normal functioning of the nervous system in the direction of the expenditure of muscular energy, and this is educative. Really marvelous results have been obtained with patients who had so far deteriorated that they seemed to have no personality remaining. With neurasthenic patients, successful employment, even for very short periods of time, produce surprising improvements.

With a proper objectification of one's interest, normal relations to other persons are re-established. For the ultimate consummation of these processes, however, of the organization of character and the restoration of normal social relations, it is necessary for a patient to get out of the hospital and to try it on his own hook in a private home, and if physically able for it, in employment. Parole is thus the necessary go-between which brings the patient out into community life.

When his physician considers that a patient's mental restoration has reached such a point that he is able to try a more complex environment than a hospital affords, and that he is in need of some more complex environment for the further upbuilding of his character and his ability to live with other people, and when the patient, himself, is prepared to co-operate in this important step in his restoration, the day has come to arrange for his parole.

The best-organized hospitals for the insane make these arrangements both for the home and for the employment through the social service department. A social worker in close co-operation with the physician, is well acquainted with the irritating elements which may have existed in the home prior to the mental breakdown and sees to it that these sources of irritation are either removed or properly modified or arrangements are made for the patient to go to a home where such sources of irritation do not exist. The social worker also makes arrangement for the employment of the patient, thus taking precaution to re-establish his financial status in the community. For most persons no other one thing counts so much in the restoration of the person to his former self as putting him in a position where he can feel he is economically independent.

In order to provide a home and an occupation suitable for the patient, the co-operation must be secured of the members of the family to which he goes, and of the employer for whom he is to work. They must all understand the peculiar limitations of the person which the hospital is thus inducting into the community, and they must be ready to co-operate with the hospital in carrying on the restoration processes.

As above noted the co-operation of the patient, himself, is absolutely essential for successful parole. The patient must understand the progress he has made, the value of his trial visit for further progress, and the kind of situations it is neccesary for him to avoid. It is also necessary to have the co-operation of the patient in order that the required visits and reports of his progress during parole may be made to the hospital authorities. In a hospital situated in a metropolitan district, where the

paroled patients do not go far from the hospital, it is arranged for the patient to return and report in person at frequent intervals. In this way the physician can see the patient and judge for himself as to the success of the trial visit. Where the patient goes so far from the hospital on his trial visit that he cannot report in person, it is necessary that the social service department see him at frequent intervals and ascertain his relations in his home and at his work. As psychiatric social workers become more generally available ,parole of patients to more distant homes can be more successfully managed than in the past.

That the trial visit is a visit and not a discharge is necessarily to be clearly conceived by the patient and by his friends, including his employer. Under these conditions, the patient may be returned voluntarily or may be returned by his friends at any time prior to the six or twelve months set by the terms of the parole without any formality whatever. This assurance of a continued supervision by the hosiptal is to his frail character as is the extended hand to the child beginning to walk. He who has been unable to walk among men and manage for himself on account of mental failure is now enabled to try it again for himself.

With this use of the parole as a trial visit which ends in an ultimate discharge if successful, there is no semblance of a formal declaration of sanity or cure of the mental disorder. The whole process of restoration to community life is itself restoration to mental health. Commitment to hospitals for the insane is coming to be regarded by even the legal profession as a less formal declaration of difference from other members of the community than it was formerly. A psychopathic patient goes to the psychopathic hospital just as a typhoid or tuberculous patient goes to a properly equipped sanatarium for treatment. So when the psychopathic patient is no longer so psychopathic as to require the treatment of the hospital, he goes out on a trial visit. When the trial has demonstrated that he is able to go without supervision of the hospital, he is discharged just as a typhoid patient, when he is strong enough to be up and needs no nursing, is discharged from the hospital.

Summary of parole of the insane: (1) The insane patient is given a thorough medical examination. (2) His environment is carefully scrutinized for causes leading to his mental disorder. (3) He is treated as a sick person. The disorder of his mind is something to be corrected. (4) For this correctional process, work is found to be most useful. Work also serves fundamentally in social and economic re-establishment. (5) Out of this restorative work grows the necessity for life and work outside of the institution. This is the parole or trial visit. (6) The physician or social worker, or both, must arrange for and direct the patient on such visit. (7) The co-operation of the patient and of his friends and of his employer must be secured. Reports and visits must keep the physician in touch with the progress of the patient's restoration until such time as he can be assured that this process is complete. (8) Successful trial visits automatically dismiss from the institution. (9) The parole system cuts down the population of the instiution. (10) It prevents relapse in that it enables the institution to see the process completed. (11) By the broad study of the causes of mental breakdown and of the processes by which it occurs, the personality can be re-established. The parole system is a part of the process of restoration of the personality. Through employment it leads to the extension of mental hygiene in the community and to the diminishment of insanity. By the successful parole of one patient we not only take measures to prevent the recurrence of his mental disorder, but we learn how to prevent mental breakdown and to diminish the incidence of mental disorder in the future.

When we consider the application of parole to the treatment of delinquents, we must bear in mind that we are considering delinquents who are not insane and who are not feebleminded. For the delinquent who is insane must be treated primarily for his mental disorder, and the delinquent who is feebleminded must be managed primarily with a view to his mental handicap. In the one case we have to deal with mental disorders from which some may be recovered, and in the other we have to do with a congenital defect which demands a perennially controlled

environment. With the feebleminded it is necessary to recognize the limitation to development.

In general terms delinquents of normal mentality are those who have developed vicious habits, like those of the sheep-killing dog, or the chicken-killing dog. They are the products of inadequate or improper education. Some failure in the home, the community, or the school is responsible for the vicious or anti-social conduct.

With this view of the delinquent of normal intelligence, can there be any justification for the present legal concept of punishment or for the current methods of fixing and administering sentences? Would any court commit an insane person for five years or for ten years because he had committed a certain crime which ordinarily merited such a number of years, or would any court commit such a criminal for life if hopelessly insane? In these cases it is recognized that the times for confinement are for the determination of the diagnostician and the reconstructionist. It is recognized that the physician is the one person competent to decide when the patient is ready to be discharged from the care of the hospital. The so-called administration of justice is too much an application of mathematical formulas. It is too much a matter of the jury finding that the prisoner is guilty of grand larceny, and then finding that the statute gives five years for grand larceny and meting out the statutory time. The number of years it takes so to reconstruct the mind and character of the offender that he will not again steal is a matter for the reformatory to decide, just as it is for the physician in the hospital for the insane to decide when his patient is ready for a trial visit. It is the business of the reformatory to correct the state of mind which allowed the grand larceny, in which the motives to grand larceny originated and which made the act possible.

When we rid our minds of maudlin sentimentality in reference to the criminal, we know that some crimes are due to neglect in the education and socialization of the individual, and in such cases we know that what the delinquent needs is training. Some of these delinquents can be trained and corrected in a few months, and some will prove to be unalterably anti-social. When the

reformatory has been able to correct the state of mind which led to the crime, the individual should be paroled. Only the reformatory knows when to do that. So long as he cannot be brought to a state of mind where he will not offend again, he should not be paroled or discharged. Only those who work at this educational or correctional work—this reconstruction of character and this re-alignment of motives to conduct—can determine when the day has come to begin the trial visit or the parole. Only they can know when the individual is strong enough to stand upon his feet and try it for himself, with the help of the institution. This is the most delicate personnel work of the reformatory. It is in the determination of when this moment arrives and the ability to help the individual put it over that most distinguished criminologists have made their reputations.

For this delicate work of re-establishment of character and the reorganization of motives to conduct, it is important that the reformatory shall have adequate clinical facilities. It is important to study the person. In order to re-educate or to socialize, one must know the material with which he works.

In the first place a thorough physical examination is indicated. Sickness is often the cause of offenses. Many prisoners are not in good physical condition. It is fundamental, therefore, to find the man's weak points, physically, and to make him well and strong just as the army builds up the physique of the soldier.

But the mind of the man constitutes the most important study for this laboratory and reformatory, because it is in the mind that the motives for the offensive conduct originated. It is important to know whether the personality is psychopathic or defective and in case it is either of these, appropriate treatment and training should be provided. This one thing, examination for mental defect and for mental disorder, properly carried out in our reformatories would save vast sums of well-meant, but ill-spent endeavor to reform the unreformable. It would also save, by the proper administration of custody and training for the feebleminded, three-fourths of our frequently returning recidivists. Saving the expenses of recaptures and retrials of those incapables who cannot be reformed would more than pay

the expenses of maintaining them in useful employment under supervision.

But the great object of the mental examination in a modern reformatory should be to thoroughly analyze the character of the normal-minded offender, and thus to diagnose the cause of his anti-social behavior. Such diagnosis, and the prescription which should follow thereupon, constitutes one of the highest functions of psychology applied in criminology. It is work for our psychiatrists who are most expert in the eccentricities of character, for the work of the prison is the work of reorganizing personalities. Such an application of medicine and psychiatry in our prisons is awaited as the harbinger of a social efficiency equal to the combined effects of the introduction into our army of psychiatrists, psychologists, and personnel officers.

For the purpose of this thorough-going study of the motives of the offender, it is necessary to study his environment as well as his mind and body. It is because of this that our best reformatories prefer to send for their inmates rather than have sheriffs bring them in. These institutions want to know the environmental causes of the patient acting in an anti-social manner, just as did our hospitals for the insane. We say that character is the product of social situations, or even that mind is the result of personal relations. No psychologist, or group of psychologists and physicians, can afford to confine themselves to the person's mind. A trained social worker should get from the court officers, from the family, and from any sources whatever in the community, all possible facts concerning the wrong doing of the individual as he goes to the reformatory.

Having thoroughly studied the man from the point of view of his body and his mind and his environment, these experts of the laboratory should advise in the administration of his educatonal and his occupational treatment. Supervising this work of reconstruction and in consultation one with another, these experts are the ones to determine when his parole shall begin, and where, and how. It is readily seen that no court, at the time of his sentence, could possibly be in such a position of vantage as are these experts at the time when the stage has been reached, to

determine the same. They see it with their trained minds. The court is no position to prophesy when it will arrive

The inmate should be counseled with, much as the hospital patient is, in regard to his parole. He, himself, should be in a state of mind where he sees the parole as a trial visit in which he has an opportunity to demonstrate that he is socialized. He should see it as an opportunity to try, and to make the demonstration, with the help of the institution.

In the same way as with the formerly insane person, so the former offender should have his home and his occupation prepared for him, as he is prepared for them. In the same way he should report back to the institution and staff of experts in charge, to show that he is making the desired progress. If the former offender cannot visit his advisors at the institution on account of distance, they should find means of visiting him.

The educational work of the reformatory should be organized with this one idea in mind, the preparation of the former offender for parole. If he is an illiterate but has ability to learn, he should be given schoolroom work. If he is young and capable of learning a trade, he should be given an opportunity to do so. For those who are older and of the dullard type, the important thing is to train them to dependability and to counteract their bad habits. By this means, weak places in the character will be corrected, and the individual will be put in a position to live the fullest life of which he is capable.

When such a board of experts as the physician, the psychiatrist, and the social worker have diagnosed their individual and have applied the therapeutic and educational corrections demanded by his case, and have brought him to the point where, with his co-operation and the co-operation of the community, it is deemed wise to begin his parole, arrangements should be made for the trial visit, and for the conditions thereof by which the paroled individual and the institution keep in close touch with each other.

As to the length of this trial visit and the time when the former offender shall be formally discharged from the custody of the institution, it seems that on account of the great variety of character disorder with which the reformatory has to deal, and

with the great dependence upon the manner in which the former offender conducts himself during the parole, that the time of termination of the parole should rest with this board of experts. It should be for them to determine when the paroled delinquents ought to be returned to the reformatory, and when the conduct of any paroled offender was such as to warrant his final discharge. *The parole is the period for the completion of the rehabilitation of character begun in the reformatory.* Those who have supervised this process in the reformatory and during parole know best when it is completed. In each case the question is a technical one of most delicate social importance. Its answer should be given by those most expert in the field.

The employment and retention of the best social worker in the community as the warden of the reformatory, and of the best psychiatrist in the community as the analyst of characters of offenders and supervisors of their re-education will be expensive. In fact it may be cheaper to maintain the prisoners in the institution until discharge, rather than have any parole system. The employment of competent social workers, psychiatrists, and physicians, and the institution of parole are not proposed because of their cheapness. They are proposed because of their ultimate economy in citizenship. Such a plan of *scientific management of delinquents* herein outlined, of which the parole procedure is a necessarily logical component, will make savings. They will save time of detention of present delinquents. Many will be put back into production sooner by this process. Scientific administration of corrective education, following scientific diagnosis of the causes of crime, will produce a real correction and thus prevent repetition of crimes. It will also eliminate from the opportunity to repeat other crimes those who are so defective that they cannot be corrected.

Such a scientific analysis of the motives in offenders, and such a careful procedure to correct the abnormalities of character which led to the offenses, will lead to a knowledge of the origin of anti-social conduct which will be immediately effective in our educational procedure to prevent the development of motives to crime. Likewise the presence in the community of social workers

who know these things, and the presence of rehabilitated offenders will be powerful agents to prevent the going wrong of boys and of girls.

In these ways the application of science to the work of the reformatory, and the scientific following out of our delinquents, through a parole period, into the community, will be the means of improving educational methods and the means of significantly lessening the occurrence of crime. In this preventive work, such scientific administration of education will prove a real economy.

We have all heard of the relatively unproductive region in which the old lady was asked what was the principal crop produced. We know her answer that there they *raised men.* These men were raised by no mere lack of systematic upbringing, such as Rousseau advocated in his "return to nature." Ideal education facilitates the recapitulation of race experience in the individual. It curbs only the anti-social instincts and utilizes every new product of genius for social development. Education is a process of socialization.

The reformatory gets the insufficiently socialized. The reformatory's business is to re-educate, or reconstruct, or rehabilitate, or re-socialize men. Parole is both the last step in this process of re-socialization and a demonstration of its success.

THE PLACE OF THE JUVENILE COURT IN THE CARE OF DEPENDENT CHILDREN

JAMES HOGE RICKS, JUDGE, JUVENILE AND DOMESTIC RELATIONS COURTS, RICHMOND, VA.

To what extent should the juvenile court operate as an administrative agency in the treatment of dependent children?

Should cases of dependent children, where there is no parental neglect, be brought into the juvenile court for adjudication?

These questions propounded last year by Mr. C. V. Williams at the Atlantic City conference state, I take it, the issues involved in our discussion today

At the outset, let us define the term "dependent child." Webster defines a dependent person as "one who is sustained by another or who relies on another for support." The Supreme Court of Florida in *Duval* vs. *Hunt,* 34 Fla. 85, defines the term dependent as "'an incapacity on account of age, mental or physical infirmity, or inability by reason of opportunity, to provide means for support." In this broad meaning of the word all children under the age of fourteen, or even sixteen years of age, are dependent.

It is interesting to note that in many State statutes the terms "dependent child" and "neglected child" are used interchangeably, though recently there has been a tendency to give these two terms distinctive meanings. For example, in the new Minnesota juvenile court law you will find the following definition:

For the purposes of this act the term "dependent child" shall mean a child who is illegitimate; or whose parents, for good cause, desire to be relieved of his care and custody; or who is without a parent or lawful guardian able to provide adequately for his support, training and education, and is unable to maintain himself by lawful employment, except such children as herein defined as "neglected" or "delinquent." The term "neglected child" shall mean a child who is abandoned by both parents or, if one parent is dead, by the survivor, or by his guardian; or who is living with vicious or disreputable persons, or whose home by reason of improvidence, neglect, cruelty, or depravity on the part of the parents, guardian, or other person in whose care he may be, is an unfit place for such a child; or whose parents or guardian neglect and refuse, when able to do so, to provide medical, surgical, or other remedial care necessary for his health or well being; or, when such child is so defective in mind as to require the custodial care and training of the state school for the feeble-minded, neglect and refuse to make application for his admission to said institution; or who, being under the age of twelve years, is found begging, peddling or selling any articles or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing.

I take it that the words "dependent child" as used in our topic today must be considered in a restricted sense. Let us, then, accept a part of the Minnesota definition cited above, namely,

that a dependent child is a child under the age of sixteen years, who is without a parent or lawful guardian able to provide adequately for his support, training, and education, and who is unable to maintain himself by lawful employment, except such children as are generally defined as " neglected " or " delinquent "

Now let us consider the questions stated at the commencement of this paper: First, should the juvenile court operate as an administrative agency in the treatment of dependent children? In certain States the juvenile court has been charged with administration of a mother's pension fund. To my mind this is not a function which properly belongs to the court. So long as the mother is of good character and performs her duties properly in the home, the sole question is: How much aid does she need to enable her to remain in her home and give her entire time and attention to the care, raising, and training of her children. This is a question that can be determined as readily by an administrative department of the government as by a court. In fact, it seems to me that a State welfare department or a State board of charities can handle such matters with far greater efficiency than they can possibly be handled through many courts located throughout the counties and cities of the State. In one instance it is possible to adopt a definite policy or plan; in the other, there are likely to be as many plans or policies of relief as there are courts. Certainly there is here no issue of fact or law which calls for judicial decision.

Are there then no occasions when a case of a dependent child should be adjudicated in the juvenile court? In my opinion there are such occasions. Mr. Williams mentions one in the very article in which he raises the question quoted at the beginning of this paper:

> The practice common to many of our child-caring associations in most of the States—of permitting a parent to transfer to the agency the permanent guardianship of his child, without confirmation by a court of competent jurisdiction—is cruel and this practice should be everywhere abolished. In many sections of the country with very little formality, a mother may sign away her right to her child while lying upon a sick bed in a maternity hospital and this scrap of paper, unacknowledged, is accepted by

an adopting court as sufficient justification for permitting the adoption of a child to another.

The crude and inadequate adoption laws in force in many of our States resulting in the summary adoption of children by unfit persons, should be replaced through legislation which will place upon an adopting court the same responsibility for investigating the facts concerning the child and also the foster family as are recognized as minimums to be employed by qualified child caring agencies.

These paragraphs apply with especial force to the dependent child. Wherever there is to be a transfer of guardianship from the natural parent; wherever no parent or guardian exists and one is to be appointed, the matter, in my opinion, should be the subject of judicial action. Surely if a delinquent or neglected child ought not to be removed from his parents or guardian without judicial sanction, how much more important it is that the rights of an unoffending parent or an unoffending child be safeguarded to the fullest extent.

If then the court in adoption or guardianship proceedings is to be required to investigate the facts concerning the child, his natural home, and the foster family, surely no court is better equipped to perform this function than the juvenile court, with its corps of humane probation officers, whose training especially fits them for making investigations of this character. Left to the average court of record of a large city, the adoption proceeding becomes purely perfunctory, often without any investigation as to whether the natural parents should be relieved of the custody and care of the child or whether the foster parents will be proper guardians. In my own city a court permitted a woman and her husband to adopt a female child within a few weeks after the same court had punished the same woman for immorality. Of course, when the identity of the woman and her subsequent misconduct were disclosed to the court, the order of adoption was revoked and the child removed from the foster home. But how often are the true facts never brought to the court's attention and how often may this be done too late?

I desire to emphasize a point which I fear is often given slight consideration; namely, whether the parent who is willing

to surrender the guardianship of his or her child should be permitted to be relieved of its care and training, an obligation which God and nature have imposed upon that parent. To my mind this phase of the question should be most carefully considered by the court and in no instance should the parent be relieved of his or her natural responsibility unless there are compelling reasons for so doing. Even where the parent is unable to provide full support, he or she should be expected, and required, to contribute as much as possible to the maintenance of the child.

Wherever the parent, through no fault of his own but rather by reason of chronic disease or infirmity, is unable to provide and care for his child properly and it becomes necessary for the court to secure a good foster home, it seems to me that such a parent should be allowed the privilege of visiting his child in the new home. I have in mind just now the case of an old colored woman, who had cared for her small grandchildren from infancy. Finally she had become incapacitated for work, unable to maintain herself, much less to furnish proper food, clothing, and shelter for the little ones. Here was a case of dependency, pure and simple. Seeking as we always must the best interests of the child, it was imperative that these children should be given a new home. But should not the court at the same time provide that this old woman shall have the right to visit, at reasonable times, these children for whom she has sacrificed so much and who are dearer to her than life itself? Such an order is frequently entered in divorce decrees, where the custody of the child is granted to one parent or another, and it seems to me that the juvenile court should make like provision in its order of commitment in a case of this character.

The point made by Mr. Williams that the foster home be carefully investigated cannot be over emphasized. It is a very easy matter to remove children from a home where they have been ill-treated or neglected, or where their parents are unable to care for them properly, but in doing so does not the very highest degree of responsibility devolve upon the court to see to it that the child so removed is given the fullest, fairest possible opportunity in life? How often have the parents of children who have

been thus removed from their own homes come to the court with the complaint that the child in its new home or in the institution to which it was committed is receiving no better care, attention, or education than they themselves had given? I believe, therefore, that the court must insist upon institutions of the highest order, upon family homes selected with the greatest care, and finally upon adequate State supervision and visitation of the child whether in an institution or in a private home.

THE PLACE OF THE JUVENILE COURT IN THE CARE OF DEPENDENT CHILDREN FROM THE STANDPOINT OF A PROBATION OFFICER

RALPH S. BARROW, STATE SUPERINTENDENT, ALABAMA CHILDREN'S AID SOCIETY, BIRMINGHAM

In a great many States the juvenile court has been created and is operating with wide powers of jurisdiction over all dependent, neglected, and delinquent children. There is arising a question in the minds of some probation officers as to the place of the juvenile court's probation officer in the administrative care of dependent children. This changing thought on the part of these probation officers does not attack the wisdom of the jurisdiction of the juvenile court over legal and judicial questions in regard to dependent children. I think the trend of all our thought is toward exclusive jurisdiction in the juvenile court for these questions which concern domestic relations. Probation officers are simply raising the question as to the wisdom of vesting in the juvenile court and its officers the actual family rehabilitation and children's aid care of dependents.

Too many of our juvenile courts are overcrowded. In our enthusiasm during the beginnings of the juvenile court idea, our attitude toward the juvenile court as a child welfare agency was like the proverbial little boy whose eyes were bigger than his stomach. We gave our juvenile courts a too large and diver-

gent job. We have made of a social judicial agency our child-caring catch-all. Happily this earlier policy among our juvenile courts is swinging back toward a limiting of the use of our juvenile courts and a higher specialization—a more intensive study within that field. From the point of view of the probation officer this reaction is salutary. The probation officers feel that the future development of the juvenile court should emphasize the legal and judicial function of the court; should make probation, reform; should make non-support order, support; should put teeth into the power over contributory delinquency, to prevent and punish it; and should look toward intensifying the court study of the individual delinquent.

In many of our courts there is a state of perpetual congestion. Because of the enormous volume of cases probation officers nearly always have a greater number of probationers than they can by any physical possibility supervise. Under these conditions by sheer force of circumstances probation becomes a mere farce, a means of setting the child free upon the street without guidance to become a repeater. Where certain officers are detailed to the investigation of cases, a majority of such officers must stint the inquiry and approximate the facts in order to cover the volume of cases. The tremendous daily volume of children streaming through those courts which have dependency jurisdiction, if analyzed, will show that a large percentage of the cases—in some courts, the majority—are dependency matters.

Does the remedy lie in the multiplication of probation officers and machinery of juvenile courts? Or in the curtailment of children's court responsibility toward dependent children? It is obvious that the juvenile courts may develop an additional number of probation officers to become highly trained dependency workers. The objection to this program is that it sets up unwieldy, top-heavy machinery, and that our juvenile courts tend thus to become a patent medicine cure-all for the problems of child welfare instead of a highly specialized agency for those problems which need correctional authority for their solution. It is admitting on all sides that the juvenile court should have exclusive jurisdiction of all matters pertaining to the legal custody,

control, and guardianship of the various classes of children. The probation officer's plea is for a delegation of this power as it relates to the actual care of dependent children. This function, many of our probation officers believe, is best assumed by highly specialized agencies, public or private, preferably both, for the care of dependents.

The attempt to combine the judicial temperament with that of administrative ability applied to the problem of dependent children is weakening in its effect. The two talents in men are usually mutually exclusive. Further, the court has not the atmosphere which is conducive to the sympathetic and efficient handling of detailed case work in dependency matters.

The probation officer, of course, is well acquainted with that time-honored slogan, "Keep the dependent child out of court." He has had this dictum drilled into his social ground work from his earliest school of philanthropy days. There are some juvenile courts where surely dependent children ought not to have to appear, but in those same courts no child ought to appear. But we have made too much of a bug-bear of this mere appearance of the dependent child in court. We believe that the appearance of the child in court and the contact of the child with the court, as the official organ of the State, legalizing the work of the dependency agency, may be made to react beneficially on the dependent child. Our argument is that it is not *per se* harmful for the dependent child to meet once or twice, or even three times, his ultimate parent (the juvenile court, as the arm of the State) and hear the words of authority of that parent; but that the real danger lies in having the administration of the details of this child's development vested in this juvenile court, with necessary detention in crowded detention homes, sometimes with delinquent children, awaiting the action of an already over loaded probation officer and becoming familiar through daily contact with the drab hand of the law.

A larger domestic relations jurisdiction in our juvenile courts is developing. Some of the best thought and practice of our country is encouraging this tendency toward the completion of the cycle of jurisdiction over the various questions of domestic

relations. The non-support jurisdiction is increasing. The machinery for its treatment is becoming more elastic and social. Questions of contributing to delinquency, enforcement of child labor and compulsory attendance laws, in many courts the question of divorce and other problems affecting the family weal are grouping themselves under this jurisdiction.

Along with this increased and broadening jurisdiction over correctional problems, there is coming increased emphasis on the studying by the probation officer of the individual delinquent. Probation officers are realizing that diagnosis has laid, not too much emphasis on social environment, but not enough on the physical and mental content of the delinquent himself. Our psychiatrists are discovering to us a field of causation pregnant with possibilities. Not the least of their contribution to correctional problems has been the tearing away of that veil of mystery which probation officers have drawn about the use of psychiatric diagnosis and prognosis. This field of more intensive work with the individual delinquent is demanding more and more of the probation officer's time. The relation of the probation officer to the psychiatrist is to become more and more similar to that which exists between the nurse and the doctor. The probation officer is becoming a specialist in the treatment of delinquency.

What has been said applies in a practical way to all communities and counties of the metropolitan or quasi-metropolitan class. It can only be applied as a theoretical ideal in our rural county juvenile courts. In these counties the functions of the probation officer, truancy and attendance officer, children's protective agencies, and children's aid workers are properly more or less combined in order to secure efficiency. The problem of this county child welfare worker with the individual child is the same, but the volume of work in any given field is not so great. The child welfare worker must be all things to all children. He should, however, so guide the community sentiment that as the problem develops and becomes more complex the specialized agency shall be formed and adequately maintained. In Alabama, where I presume our problem is not unlike that of many other rural agri-

cultural States, the approximation of this ideal is far distant in our less populous counties.

In any given community the juvenile court is one of the responsible factors charged with the perfecting of the community child welfare plan. Adequate agencies, public and private, must be functioning in the daily consideration and care of dependency matters; and the organized juvenile court is morally and socially responsible for these dependent children until adequate agencies have been created and are occupying this field in a normal fashion.

THE JUVENILE COURT AND THE DEPENDENT CHILD

PROFESSOR LEE BIDGOOD, UNIVERSITY OF ALABAMA

All dependent children should pass through the juvenile court. This is for the protection of the public interests, of the children themselves, and of the institutions and home-finding agencies which may later serve them. But the court should not attempt the permanent care of children or the finding of homes.

The protection of the public interests demands that every dependent child be brought before the juvenile court of his locality. The court officially represents the community and the State. It alone can act with authority. It should have the right and the duty to hear each case of child dependency and to decide how the public interests may best be served. It can coerce slacking relatives, and it can stay the officious volunteer charity worker or welfare agency.

No matter who finds or reports or first acts on a case of child dependency, he should be compelled to bring the child into the juvenile court of his jurisdiction. The court must assume the responsibility for remanding the child to his home, or for sanctioning the rupture of the family, for compelling neglectful relatives to contribute to his support, for committing him to an institution or agency, or ratifying the selection of a foster home. In all

these matters the court should hear the views of the parties concerned, and make use of the services of the child-welfare agencies. But the responsibilities enumerated are public in nature. Dependent children are the wards of the State, and the State must require that decisions controlling their future be passed on by its constituted judicial authority for children: the juvenile court.

The interests of the children equally dictate that their cases be passed upon by the court. There are so many scheming relatives, unscrupulous exploiters of human flesh, overzealous amateur social workers, and badly administered social agencies that a judicial review of every case is necessary to protect the children. There are so many different people, good and bad, now working with children, and so many different institutions, good and bad, admitting children, that some one public agency must pass upon the disposal of every child. A child's whole future may be ruined by sending him even to a good institution of the wrong kind. The juvenile court is the obvious and indeed the only suitable agency to take over this work. Its doing so will not insure perfect wisdom and justice in the disposal of every dependent child, but it will give every one a better chance.

Little as they sometimes realize it, the child-caring institutions also need the protection afforded by this action of the juvenile court. In many States children are placed in orphanages by relatives, friends, anybody; are cared for during a period of years, and when big and strong enough to work are claimed by kinspeople. The orphanage superintendents generally regard this as the greatest evil connected with child dependency. But they can rarely keep a child thus claimed, because they have usually failed to secure legal title at the time of entrance.

What the orphanages in the Gulf States usually do is to require the person who seeks to have the child admitted sign a contract giving him to the orphanage. Following is the form of contract used by one of the largest orphanages in Alabama:

I,.....the applicant named within, hereby consent and agree, that at its discretion, the.....may place....., the child named within, in the home and under the control of another person, without consulting me;

and I agree not to disturb the person who may take said child. I agree further to give said child to the .....

Dated the..... day of.....

.....
Applicant

Witness:

.....

.....

Observe that it lacks a consideration and is otherwise clumsily drawn. Others are in appearance more skilfully drafted. But all such contracts are contrary to public policy, void and worthless, except for bluff. The State does not permit rights in and of human beings to be contracted away.

The proper procedure is that no child be put in an institution except by a decision of the juvenile court; and no child should be taken out of any institution except by the same process. We need not here express an opinion as to whether the children sought by relatives ought usually to be removed from orphanages or not. The point is that both the relatives and the orphanage superintendents are entitled to their day in court, and the judge must then decide what is best for the child. Such situations imperatively demand the intervention of an impartial public authority.

Still more do foster parents need the protection of the court. The laws are usually adequate for their protection, and the State home-finding societies are careful to take the proper legal steps. But many persons who find homes and many foster parents do not know the law or have neglected to conform to it. It should not be left to their ignorance or knowledge, inertia, or action. The State laws should command that every child be brought into court immediately upon the discovery of his dependency, and no plan for his future should be put into effect without receiving the sanction of the juvenile court in a formal order; and social workers, professional and amateur, should everywhere be educated to see to the enforcement of the law.

This does not mean that the court should take over the functions of the other child welfare agencies. Its service is to co-operate

with them, and control them, not to supplant them. The more highly developed juvenile courts have all they can do in the field of delinquency and in the protective services to dependent children just outlined. The courts that are as yet partly differentiated are still less in a position to assume duties of a nature other than protective. The juvenile court should serve dependent children not by supporting them or finding them homes but by constituting itself the active agent of their guardian, the State.

JUVENILE DELINQUENCY A COMMUNITY PROBLEM

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This session is held under the auspices of the Sub-Committee on Delinquent Children, or, as we called it last year, the Committee on the Community Care of Delinquent Children. The emphasis in our discussion is to be placed on the community responsibility for the treatment and prevention of juvenile delinquency, rather than on the functions and technique of either institutional or court treatment. Approaching from the viewpoint of the community, we shall emphasize the viewpoint of the average man and also that of the public and private agencies whose work is to construct better social life. Our emphasis will be on prevention rather than cure.

The conception of juvenile delinquency as a community problem is recent. It has come to the fore in recent years, especially during and since the war. We have thought of juvenile delinquency just as we have of adult crime, as individual in its causes, and even more so in its cure. The average person still thinks a real juvenile delinquent is a public charge and many think he should be a State charge. The responsibilty of the ordinary respected and respectable citizen toward delinquency (unless it's his own boy), has been thought to end with paying taxes to support courts and correctional institutions.

Juvenile delinquency, in its causes, its consequences, and its treatment, is a social or community problem. It cannot be understood without understanding the community; it cannot be cured or prevented without efficient community organization.

Of course we are speaking today of juvenile delinquency not as ordinary mischievousness, common to all children, but as chronic or developed badness, invariably caused by an unfit home or community environment, unfit for or unfitted to the child delinquent. Our problem is to treat the delinquent when discovered so as to cure him and also cure the condition causing him.

Communities differ as much as individual people. It therefore follows that each community should be studied—best of all, should study itself; it should study its delinquency of course and should organize its forces for treatment, cure, and prevention.

Of first importance in meeting the problem of juvenile delinquency when it arises are efficient public agencies. Dealing effectively with delinquency requires a public agency. The parents and the home have fallen down on the job of making and keeping the child good—good for something. It follows that a stronger agency duly authorized must step in and administer discipline; and logically this should not be attempted by any privately constituted agency whatsoever.

First, we must have efficient socialized policemen and policewomen. Second, in every community, there must be well-equipped children's courts with enough probation officers who should be trained social workers. Third, we must have a system of child placing and home finding for delinquent as well as dependent children, and under public control. Fourth, we must have a local disciplinary school and detention home. Fifth, we must have industrial or reformatory schools, preferably, under State control.

How many communities have all these functioning well and co-operating?

Going behind the treatment of juvenile delinquency after it arises, to attempt its prevention and cure, we must add the follow-

ing necessary planks. First, the community must do more for its homes. We must help the home to function and must develop means for the education of parenthood. Second, we must promote the development of private agencies co-ordinated with public agencies working to remove community causes of delinquency, emphasizing prevention and cure of these causes.

PLANKS IN THE 1920 PLATFORM FOR COMMUNITY CARE OF DELINQUENT CHILDREN

CALVIN DERRICK, CHAIRMAN, SUBCOMMITTEE ON DELINQUENT CHILDREN, TRENTON, N. J.

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1. The Problem of Juvenile Delinquency Varies

a. The body and mind of the child.—The child itself may be subnormal, headstrong, easily led, emotional; it may be constitutionally inferior; it may be nervous, highstrung, longing for excitement and adventure; full of youthful heroics; fond of truancy; having a low moral standard; having little regard for the rights of others; selfish; it may have a definite kind of hereditary traits resulting in physical handicaps, mental traits, and temperament, none of which are understood by the parent, the teacher, or the community.

b. The home.—We must next consider the home. As to parents we may note race and nationality; intelligence or ignorance; weakness and laxity or strictnesss in control; quarrelsome in domestic relations; untidy personalities and maintaining an unattractive home; uninterested in the welfare of their own children; lazy, shiftless, and neglectful; lacking in standards of building up their own lives and homes; or possibly over-fond, sentimental, and indulgent, spoiling the child by allowing it to rule the home; too large a family that one pair of hands cannot hope to support; by endeavoring to help support the family by filling up the already overcrowded home by taking boarders; these are some of the outstanding factors that may be counted upon to make for early delinquency.

c. The size of the community involved.—It is also important to outline clearly what we understand by the term " community." The size of the community affected by, or affecting juvenile delinquency may vary from the single family involved, to an entire city or county. Some forms of delinquency are of a community nature only in so far as the block, for instance, in which the delinquency is occurring is concerned, or it may be several blocks; or it may be the territory comprehended within a certain school district or a ward; it may be a certain territory in a city bounded by a line of railroad, a canal or even an alley. Any condition, whether it be natural or artificial, which tends to separate a certain type or social grade of population into a more or less homogeneous unit constitutes that group a community.

d. The age of the child.—Then again it is important to remember that as the age of the individual delinquent advances the size of the territory affected by his delinquency is enlarged. The delinquency of children between the ages of ten and thirteen is more likely to be a school or ward territory offense. The delinquency of children over thirteen or fourteen is usually committed in territories more or less distant, or at least detached from the home district and becomes a city or town offense, involving usually defiance to well-established laws and ordinances rather than the annoyance and inconvenience of the population of the immediate community. The type of delinquency committed by children over sixteen years of age becomes a matter of public welfare, generally, because the offenses are, as a rule, committed against property rights or affect the morals or health of the State at large.

It is also to be noted that the type of delinquency is likely to be highly colored by the type of community in which the delinquency takes place. In connection with this thought it must be kept in mind that there seems to be a rather definite relation between the age of the delinquent, the type of delinquency, and the particular community affected. The delinquency of children under ten in a congested district engaged in manufacturing and subject to heavy traffic will differ materially from the type of delinquency perpetrated by children of the same age in a different type of community. It is worth noting, too, that the chil-

dren in the congested district under the conditions just mentioned will be found to be committing, if the term will be allowed, a bolder, higher type of delinquency amounting to positive crime, than will be found with the child of the same age in other types of communities. Therefore, for the purpose of this study we shall consider that the community embraces the territory and group of people affected by any type of delinquency caused by any condition, ordinance, social group, or industrial condition that leads to delinquency.

e. The labor and general social and living conditions.—Different communities give rise to different causes for delinquency. The causes are colored by the labor conditions which in turn lend much color to the living conditions, giving rise to different forms of delinquency. In some communities juvenile delinquency is induced by poverty, kind of employment, or by unemployment; by wages and housing conditions; by the manner of enforcing compulsory education laws; by the rigidity of the public schools' courses of study; by the very narrow limitations of the influences of the public school in the average community because it fails to function outside of its prescribed course of study. Delinquency is induced by the lack of playgrounds, and in many places where there are ample playgrounds, by the lack of playground supervision and apparatus; by the lack of community houses, centers or forums, to provide for the spare time of the young people. The question is aggravated by the complexity of transportation facilities because the more complex the transportation facilities, the more difficult it becomes to provide playground facilities; the more exacting the ordinances governing activities outside the home, the more numerous are violations, and the more stringent the enforcement.

In children over twelve or fourteen years of age, having left school and entered industry, the question of delinquency is many times found closely related to the element of drudgery in the work. The reason is that work is sometimes too hard; carried on for too long periods; done under a strain or worry; is monotonous; carried out from a feeling of necessity; or because the job and the individual are misfits; the supervision may be harsh or

unpleasant; the general health conditions unfit or unsuitable; or the general process of the work is uninteresting. The results of work done under these conditions will be found to produce general debilitation of the body, indigestion, disagreeable expression of the face, poor physical development, the child tires too easily and ages too rapidly, and the mental powers are impaired; there is a sense of dissatisfaction and loss of freedom, and the personal attitude toward life becomes morose. The work is not then successful.

f. Variation in law and public officials.—But another cause is found outside of the home and outside of the employment. The inequality of the law which prescribed penalties for certain kinds of recreation and play in one community which are regarded as healthy and joyous exercises for children in another community; the indifference of officials in one community as contrasted with the over officious attitude of the officials in another community, make a striking study of the inequality in the enforcement of the laws. Add to this the poorly paid, poorly prepared, low-grade official; the overworked, improperly prepared juvenile judge, who tries to couple this duty with the duties of the county judge or the city magistrate, and we have the picture of a condition which is almost general, outside of the relatively few well-organized community centers for taking care of the problem.

g. The state of public opinion and variety of facilities for use of children.—In many communities there is a false sense of security, which develops into complacency, on the part of responsible people in the community having a juvenile court and paid officials for looking after the problem. The probation office and juvenile courts, as well as parole agencies, child-placing agencies, and other groups, lack plans for complete co-operation, leaving many gaps, and leading to much confusion. There is failure on the part of church, school, Y. M. C. A., Y. W. C. A., Boy Scouts, charity organizations, and all other organizations, to recognize their common problem and re-organize their work for the one and explicit purpose of serving the community as a whole, as well as serving the whole community as a community. A few other things which may be included in the general list of community factors are

the various forms of commercial amusements, ranging all the way from bathing beaches; to cabarets; floating workers; fads and varying standards and customs in dress, expenditures, and behavior; varying standards of education; the lack of proper religious influences and Sunday observances, and the lack of organized child welfare and other welfare associations. These many factors in all varying forms constitute only a limited number and the most obvious factors which may, and do, influence directly the question of juvenile delinquency.

2. The Problem of Juvenile Delinquency Includes Also a Consideration of the Delinquency of Adults

Any general study of juvenile delinquency must necessarily concern itself with conditions, groups, and factors affecting the entire range of the life of a child from birth to majority. We might even be more general and say that the factors concerning juvenile delinquency are also factors in general adult delinquency, extending far beyond the age of twenty-one. While it is true that in most States the juvenile laws are effective from sixteen years of age down, it is also true that many delinquents above the age of sixteen or even above the age of twenty-one, may also be classified as juveniles.

Since such a high percentage of the inmates of reformatories and children's institutions have started their careers in the so-called juvenile institutions, and since any even casual study of the general problem discloses the fact that constant over-lapping, not only of the functions of the various classes of the institutions, but also of the category of the crimes and offenses as well as the age limits, it would seem unwise to attempt to limit the study of juvenile delinquency by setting arbitrary age limits or periods. Therefore for the purpose of this study we note any and all community factors and conditions which are likely to contribute to the delinquency of minors.

This view of the subject seems to be necessary when we consider how very diversified are the laws and ordinances governing different communities, legalizing in one place what is penalized in another, tolerating conditions in one community that would be

rigorously prosecuted in a different community, bringing many juveniles under purview of county and superior courts in one place where similar offenses would be cared for under a good probation system or well-organized juvenile court in some other community.

3. In the Treatment of Delinquency the Most Vital Question is that of the Home

Much more can be done by friendly, sympathetic community co-operation than can be done by means of legislation, but at least enough law should be written on the statute books in each State to make it possible to place parents as well as children under probation, and to punish the parents in cases of neglect or dependency rather than to release them from these obligations by placing the children in an institution. It would be well, therefore, to have in each community a person who might be designated a "parental or domestic advisor" who should be learned in family problems, and wise in the care and training of children and matters of domestic and home economy, before whom parents could appear without any kind of legal process or procedure or without any record or official being present, and furthermore without there being any official recognition given or taken in the procedure.

4. The Clinic and Laboratory Method of Studying the Child and Community Problems Should Be Greatly Extended

The possibilities and handicaps of the child should be discovered before he reaches the juvenile court. If he has physical and health handicaps which are bound to interfere with his development and progress in school, these things should be discovered by the public clinics before he reaches school. If he has mental handicaps which are sure to retard his progress in the public school, that fact should be discovered early in his school career and his course of study individualized and promoted with the idea that he may be developed in more than one direction. The public school course must be flexible and sufficiently varied to be able to retain the interest and to promote the educational and vocational training of these children who reach their mental

maximum in the middle grades of the public school, and below the age of fourteen in order that they may not be forced into truancy on the one hand or a dull, uninteresting school life on the other.

5. Juvenile Delinquency Is a National as well as a State and Local Problem

In a very broad sense, juvenile delinquency may be said to be a national problem because it tends to produce undesirable citizens who in turn tend to lesson production and to increase taxation. These three factors taken together constitute a drag on national progress. The national government quite properly has never recognized the suppression of juvenile delinquency as one of its functions. It has enacted a very short code of preventive and protective laws for women and children, promoting their general welfare, education and health. There is much yet to be accomplished by the Federal government of a preventive and protective nature which should have a more or less general bearing on the problem of juvenile delinquency.

6. There Is Need of Co-ordination of State and Local Efforts to Cure and Prevent Delinquency

In the various States we find the problem met in two ways. First, by general laws for protecting children industrially, promoting their education and health; and second, by legislation, providing for probation and correction of those who are declared delinquents. However, in many States all preventive measures are left to counties and too often the county in turn leaves the matter to municipalities. Some States have probation systems, other States leave this function to the county. All States maintain one or more industrial correctional institutions for juvenile delinquents, but this is mainly for the purpose of correction and punishment and does not express any well-defined policy on the part of the State in terms of either prevention or reclamation. In some States complete county units are established providing for juvenile courts, probation systems, county correctional institutions, home investigations, district nursing, and all of the other factors that are calculated to make for higher citizenship, better community life and less delinquency.

7. A Proposed Plan for Dealing with the Problems of Juvenile Delinquency by Co-operation of State, County, and Local Community Agencies

In every State there should be established a department of public welfare with State-wide jurisdiction and the authority to supervise welfare work done by various agencies, whose duty will be to organize, or to provide for the organization of, welfare service in communities where there is none. The functions of this State department would be advisory rather than supervisory, though it might be both. It would be a bureau of information for communities and municipalities. It would promote proper legislation, the co-ordination of local welfare effort, and create and sustain higher standards all along the line. It would particularly foster county organizations for it would seem to us that the county is the logical unit for welfare organization. Every county, no mater how isolated, should have the means within itself for quick and adequate handling of any case requiring welfare work from any angle. This does not mean that the isolated and sparsely populated county would contain all the machinery of a highly organized department, but it does mean that there would be a public official in that county to whom the public or any individual in any part of the county could apply for direction and help, this official in turn supplying aid, if necessary, from the State department if the county is not supporting an organized unit for itself.

One of the most important functions of the State and county organization should be to develop in any community of whatever type, the kind of organization that that community might need for coping with the question of delinquency, and for the best possible development of the members of the community, socially, and industrially. It may be that the Scout movement will alone meet all the needs in this direction in some residential communities, while a different community in the same town may need the aid not only of the Scouts for both boys and girls, but of definite work in night schools, of a visiting nurse, a baby clinic, and a supervised playground.

It is especially important that each county unit make a study

of rural conditions and provide proper outlets for the boys and girls on farms, while at the same time they foster rural social activities and work with a view of keeping as many young people as possible in school, on the farm, and in their own home. It would be especially important for the director of social welfare to develop the social center. The block system carried out in some cities is very successful and should be extended not only for the purpose of coping with delinquency but for the purpose of developing Americanization, citizenship, civic pride, and training in the home.

The community welfare bureau should have a carefully classified list of factors present in each and every community of the county that is likely to generate delinquency, and make a study of the way the community may be organized to counteract such influences. It would then necessarily become the duty of the bureau to see that such organization were affected and the evil influences combated. The work of non-institutional agencies, social organizations, and private individuals should all be induced to function through the local bureau of public welfare. In the isolated counties where there is no local bureau the State bureau referred to should undertake the work. The public institutions must be more carefully created. It is imperative that there be a much larger number of strictly custodial institutions, that the people to be sent into these institutions be selected after exhaustive study of each case. Quite important, however, will be reorganizing the correctional institutions, orphan asylums, industrial schools, and parental schools into institutions of training in self-control, self-respect, and self-reliance, rather than letting them remain places of punishment and training in mere obedience. They should in the truest sense be vocational and trade schools as well as the very best elementary schools in which civic duty, citizenship, and thrift are made the aims. From the day the child enters until he is finally released the one aim of the institution must be to prepare this individual child, not only for release, but for release into that particular group and place in society to which he is adapted and in which he may function. It should be the duty of the welfare bureau to find out why the child became

delinquent and was sent to an institution; to determine whether the causes were community or home conditions, and to vigorously and insistently teach the doctrine that it is the business of the community and the home to make itself fit and ready to receive the child back.

It is particularly important that the work in the community should be developed along non-official lines, using volunteer service, community interest, and civic pride as the basis of successful work. In this way only, we believe, can juvenile delinquency, as a community problem, be successfully coped with.

THE AIMS AND METHODS OF THE JUVENILE COURT AS DISTINGUISHED FROM CRIMINAL PROCEDURE IN GENERAL

Samuel D. Murphy, Judge, Juvenile Court of Jefferson County, Birmingham, Alabama

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The subject assigned to me divides the law-breaking element of our citizenship into two classes—one class being designated as delinquent, and the other, as criminal; and suggest a discussion and comparison of the principles upon which the State acts in dealing with each of these classes, as such principles have been developed and are shown in the jurisdiction, aims, methods, and procedure of our juvenile and criminal codes and courts.

I think I am safe in assuming that it was also in the mind of the program committee that our inquiry should include whether it is possible or advisable to bring the aims and methods of our courts which deal with the criminal class more nearly into accord with the aims and methods of our juvenile courts in their handling of the delinquent class. May I also suggest that it would be well to inquire whether our present juvenile court jurisdiction and procedure represent our final thought in setting forth the principle that it is the duty of the State to care for and protect its needy children; and whether as such agency its efficiency has been fully developed for such purpose.

In discussing the principle upon which the jurisdiction of the juvenile court rests, it is only its aims and method as applied to those who violate the law—the delinquent class—that is to be compared with the aim and procedure of the criminal court in dealing with the criminal class. I make this statement because I do not wish to be understood as holding the opinion that the jurisdiction of the juvenile court is, or should be, limited to dealing with delinquents only; which suggests the question, what is or should be its jurisdiction; and what do we mean by the term, juvenile court? These questions are, of course, answered by the statute creating the particular court; and certainly in the beginning of juvenile court legislation, anything but a uniform answer was returned to them.

To ask the question, what is the duty and obligation of the State to its needy children, is but another way of asking what should be the jurisdiction of the juvenile court. I have stated before that its jurisdiction should not be limited to dealing with that class only who violate the law—delinquents. I have no sympathy with the conception held by so many of the laity, that the juvenile court is a kind of Huckleberry Finn affair—an embryo criminal court to try bad boys and girls.

If we wish to solve the problem of pauperism and crime we must first solve the problem of our neglected children; in order to do that we must definitely place the responsibility for such neglect; and neglect can only follow where duty has been violated. Law is sometimes defined to be crystallized public opinion. Whose duty is it to care for our needy children, and who is responsible for their neglect? The answer of public opinion to these questions is to be found in our juvenile court laws. Of course, I do not mean to overlook the many other laws which have been enacted in the interest of the welfare of children. But we are now discussing the question of responsibility, of their status, of the agency which is to enforce the duty and obligation when so fixed. This duty and obligation inherently resides in the State; and the juvenile court is and should be the judicial agency which shall determine what children are entitled to become its wards, and thus have its special protection and care.

It is in this sense that I think our juvenile court laws afford a clear index of how far our collective thinking has gone in reference to our duty and obligation to needy childhood. It is here that we have lacked emphasis in the past. It is here we must place our emphasis in the future. Private philanthropy will never adequately solve the problem, and may I add, should not be allowed to do so. It is the business of all of us. We all want, or should want, a part in it, and that is possible only when we act collectively through the State. My thought is that you and I must realize more and more that society has a collective intellect and heart, as has been so much evidenced in these last few years, and that we must insist that this splendid force shall function large for our needy childhood. To this end we must insist that the juvenile court shall be made an adequate agency for such purpose. We must insist that the court's jurisdiction be broad enough to bring within the State's protection any child in need of such special care, no matter what the cause—dependents as well as others.

I am familiar with the argument which would exclude the dependent class. To do this must necessarily mean that the State has no obligation to such, or that some other agency should be established to care for them. I am not willing to admit that the State owes no such duty; and I think whatever agency established should be judicial in its nature, and that the multiplication of such judicial agencies would make for inefficiency in all of them.

In addition to the power to declare their status, the court by whatever name you wish to give it should have power to punish those, who, in any way, contribute to the need for such special care by the State, and of all collateral matters affecting the relationship of parents to each other and to their children, and to the State, including of course, divorces. Some of our legislation has reached this standard—most of it falls far short of it. Do you ask how we may go farther than this, and for a definite program? I shall not now attempt an answer. We have given our juvenile courts power to punish natural parents with penal sentences for failure to properly care for their children. I ask

you, would it be going too far to give our juvenile courts power to penalize *us*, the State, the ultimate parent, by fixing an absolute obligation of adequate support and care upon it, upon adjudging that a needy child was its ward?

Under our most recent legislation juvenile courts have been clothed with complete chancery power to declare what children shall be regarded as wards of the State, and thus entitled to its protection and care. But the *status* so fixed is only theoretical, and the court is impotent to make its (the State's) guardianship real, unless it can command *means* to furnish such care. I ask again if it would be going too far to give such courts power to provide the necessary means with which to properly provide for its wards? We have long acknowledged the principle of the ultimate parenthood of the State. It is ours to emphasize and develop it to meet the urgent need—a need that can be adequately met only through such emphasis and development as experience shall wisely show us the way.

But I am to compare the principle upon which the juvenile court deals with delinquents with the aim and method of courts of criminal procedure in dealing with the criminal class. In its dealing with delinquents the germ from which the jurisdiction of the juvenile court sprang is found in the fact that at common law a child under seven years of age was conclusively presumed to be incapable of forming a criminal intent, and therefore could not be tried as a criminal. Between the ages of seven and fourteen the capacity to form such intent was a matter of evidence, to be decided by the jury, the burden of proof being on the State. The capacity to form such intent being proved to the satisfaction of the jury, a child between seven and fourteen years of age could have been convicted of murder and hung. Indeed the books contain many such cases of conviction and penalty.

In England, a boy of ten years who, after killing a little girl, hid her body, was held criminally liable, because the circumstances showed a mischievous discretion. In this country a boy of twelve has been hanged for murder. We have traveled some distance, but it has taken us fifty years to do so—most of it in the past twenty.

It is here that the fundamental change has taken place in the enactment of what we have come to call juvenile court laws. Under these acts the age under which children are conclusively presumed to be incapable of forming a criminal intent has been very materially raised, in most States to not less than sixteen years of age, and in a very few to twenty-one. In some a difference is made on the ground of sex. Under these statutes when a child under the designated age violates a law he is termed a delinquent, and upon such finding becomes a ward of the court, to be dealt with as such for his own welfare. As a necessary incident to this change of viewpoint, the machinery for the exercise of this State function, which had lain dormant practically for all these generations, had to be created. This machinery we now call the probation force. It is the eyes and hands of the court in its capacity of parent to its wards. I need not say what should be its character and qualification. The method of investigation prior to the hearing by the court and of probationary care afterward, I need not discuss before such a company as this. The proceeding is civil as distinguished from criminal, and the court's jurisdiction is an equitable one; for which reason there is no necessity under our various State constitutions for a jury trial. The inquiry is not to determine whether the child is a criminal or not, but to determine its *status* in relationship to its need of the care and protection of the State. Being adjudged in need of such special care the State assumes its guardianship and oversight, always for the well-being of the child.

The aims and methods of the courts which administer our criminal laws proceed upon an entirely different theory. Our penal laws are enacted for the purpose of promoting the happiness and well-being of society at large, and any who violate them are termed criminals, and outlawed as unfit units of society. The penalty provided for under these laws is imposed, not as retribution or in a spirit of vindictiveness, but with the end in view of deterring the offender from again violating his obligation to the body politic, and also of deterring others who might be like-minded. The method of procedure in the courts charged with the

enforcement of our criminal laws is essentially different also. Under all of our constitutions a trial by jury is a matter of absolute right. In many cases an indictment by a grand jury is necessary, and many other safeguards are thrown around the one accused of a crime before he can be deprived of his liberty. May I state the distinction in a little different way? In both cases society is trying to protect itself and to promote its progress and well-being. Its action through the juvenile court is preventive. It is here endeavoring to make fit citizenship out of what experience has taught are the embryo elements of pauperism and crime. In the juvenile court the State is proceeding *directly* to assert its right of guardianship to the end that through its protection and care (which alas, is largely theoretical still) it may mold the character of these future units of society.

In the criminal court the object sought to be accomplished is the suppression of crime and the means to such end is punishment. And this on the theory that the normal adult who violates the law is himself wholly liable for such act. The person convicted becomes a ward of the State (or should be so regarded) indirectly. The proceeding was not begun with that as its direct object, as in the juvenile court. It may be asked if it would be permissible under our constitutional provisions to still further enlarge the jurisdiction of the juvenile court so as to include normal adults—persons over twenty-one years of age—say, first offenders when accused of minor offenses, and thus directly adjudge them to be wards of the State, and deal with them as such, without a jury trial. This so far as I know is a "moot" question, and no such attempt has ever been made by any of our States.

Heretofore, society in making certain of its members its wards and in assuming the burden and obligation of State guardianship and care has done so on the theory of their incapacity to properly care for themselves. In the case of children their incapacity consists in their immaturity, and in the care of others—adults—on account of some mental or physical deficiency. But eliminating the right to trial by jury it seems to me that all progress in handling the criminal in the criminal court,

must necessarily be toward the methods used in the juvenile court. The courts differ not only in the method of acquiring jurisdiction of the delinquent—making them State wards—but just as much in the manner of treatment. When the juvenile court has acquired jurisdiction, the inquiry is what order shall it make for its ward's best interest. When the criminal court has acquired jurisdiction after a jury verdict of guilty, the inquiry is how much punishment shall be inflicted, and this within narrow bounds fixed by statute—the legislature. No inquiry is entered into in regard to the social status—the education, environment, etc., of the convicted person. In the juvenile court the judge is clothed with very wide discretion, the judge of the criminal court with practically none. The question is whether it would be risking too much to place a wide discretion in the judge of the criminal court. In the case of a proved burglary would it be wise, instead of the legislature fixing the penalty, say at from not less than one nor more than twenty years, to allow the judge to decide what would be for the best interest of society. Should he be allowed to release such a person on probation? The question may be put in another way. Suppose the judge had before him a complete case history of the person convicted made by a competent probation officer showing all the circumstances of the person's up-bringing, education, mental status, environment, etc., would he be more competent to do justice to the accused? Could he be trusted to do justice to the public? Would the public interest be imperiled? Is it best to trust one man who knows all the facts of each case to decide the disciplinary measures necessary to protect the public, or is it wiser to have the legislature which knows nothing of the surrounding circumstances fix it in all cases alike? It may be argued that the danger lies in two directions, the judge may be either weak or otherwise incompetent, or dishonest. Or the fact that punishment was not sure and certain might lead those so inclined to violate the law, with the idea of taking the chance of escaping its penalty. My answer to these questions is that society is in a very large measure responsible for the condition of those we class as criminals. Else why is it that perhaps 85 per

cent of them are both poor and ignorant, and that in justice it has no right to deal with them except with this sense of its own responsibility?

The trouble with our criminal law and its enforcement is not with its prohibitions. The great bulk of its "thou shalt nots" are founded in justice and right, and are necessary to the peace and orderly progress of society. I will say also that a very large majority of those who offend against its wholesome rules of conduct need discipline, I do not say punishment, and need to be taught correct moral standards. I said above that society itself was largely responsible for those who violate its criminal laws. Let me add that it is not wholly so. We must recognize the fact that there are some who are willfully unsocial in their conduct, and who are outlaws against its rules by choice. We must remember that we cannot have moral order in the world without moral standards, and a part of such moral standards is to be found in their maintenance.

Justice is a stern thing even though it has within itself an element of grace. What I am trying to say is that we do not want society to lose its moral backbone by substituting sentiment and sympathy for that splendid principle which we call justice. I fear that there is a tendency in our thinking in regard to those who violate our laws to overemphasize these virtues of sentiment and sympathy at the expense of justice, and thereby fail in doing the very thing we desire to do, protect society and make a fit citizen of the man convicted of crime. I may say also that I fear that much of our work in juvenile courts is subject to this criticism. What the child, as well as the adult, needs to be taught first, of course, is a correct standard, but what I had in mind to say was self-control. A program founded too much on our softer, may I say weaker, virtues cannot accomplish it. And so our criminal laws should be strictly enforced. I do not think they are enforced strictly enough. The point of criticism is not there, but in their method of enforcement. And more particularly still in our manner of dealing with the offender after his conviction. In many of our States the method employed in the treatment of its convict is really a crime in itself. It is

here that the method of treatment should be made to coincide with the method employed in dealing with juvenile delinquents, with such modification of the means as are necessary of course. The convict should be regarded as the State's ward. The discipline administered should be employed for the sole purpose of his reformation, should be intelligently thought out to that end, and should be continued only so long as it is necessary for such purpose. We are approaching this desired treatment through our indeterminate sentence laws and parole boards, with their parole officers. When we shall fully develop the principle on which these laws are based, both in the institutions used and in their personnel, I think we will have arived at a fair and just method of treating such offenders as cannot be wisely given "another chance"—on probation. Which raises again the question of probation for adults.

THE SOCIAL SERVICE ASPECTS OF JUVENILE COURT ADMINISTRATION

H. F. Bretthauer, Chief Probation Officer, Shreveport, Louisiana

No juvenile court can transform a wayward child into a law-abiding citizen without the co-operation of one or more social service agencies. To be successful, the juvenile court must function as a co-operating factor in the handling of juvenile delinquency.

Less than half of the juvenile courts in the United States have probation service, and there are large cities having in one or two instances a population of over one hundred thousand which have no such service. It is estimated that the juvenile courts of the United States do not handle more than 35 per cent of the actual cases of delinquency, nor do the courts very largely direct the corrective work being done by agencies not officially connected with them. The lack of co-operation in the handling of delin-

quency in any given community means that much delinquency receives no corrective attention at all.

There are two specific systems of treating juvenile delinquency: first, by the juvenile court, and second, by social service agencies. The juvenile court waits until it receives official notification that an offense has been committed, and then functions under a system of rules and statutes which may be changed or modified only by legislative enactment. On the other hand, the social service agencies possess a greater degree of elasticity, and consequently are better able to meet changing social and moral standards.

In dealing with juvenile offenders, the purpose of the juvenile court is not to administer punishment but to effect reformation, and comitment to an institution is only to be resorted to when other measures have failed. In applying this principle, juvenile courts have found that social service methods produce the best results, particularly when applied to earlier stages of delinquency. Such methods keep legal authority and criminal procedure as a last resort.

There is a wide range in the treatment of juvenile delinquency by the courts, and to some extent these differences can be accounted for by differences in State laws and by personal interpretation of the law by individual courts. In many cases special clauses calling attention to the spirit of the law are embodied in the statutes theselves. In some States juvenile offenders are designated as being wards of the court. In other States, juvenile laws are followed by words such as these: "These provisions are to be liberally construed to the end that the purposes may be carried out; to wit, that the care, custody, and discipline of the child shall approximate as nearly as may be that which should be given by its parent." Other State laws prohibit the detention of juvenile with adult offenders. Again, others have provision for the suspension of the rules of evidence at trials of juveniles, in order that an opportunity for consideration of the environment, history, and other facts bearing directly or indirectly on the case may be had.

The option which the court has of placing the juvenile delin-

quent in the care of a probation officer, the punishment of adults for contributing to juvenile delinquency, etc., show very clearly that the juvenile court procedure is intended to be helpfully reformatory.

It is a common occurrence throughout the United States in courts hearing children's cases, that the court finds itself confronted with problems involving a conflict between the law and the spirit of the law. It must have been an occasion like this which prompted Judge Lindsey some years ago to appoint a woman to hear cases of girls brought into his court. In certain communities, women judges are regularly elected to deal with all girl cases, and in such courts the criminal court atmosphere is entirely done away with. In perhaps 80 per cent of the courts hearing children's cases in the United States, girls are still heard publicly in the regular criminal courtroom.

The probation system in vogue in most States gives the judge of the juvenile court the widest opportunity for the socialization of such courts and for the use of the service of social service agencies. The probation officer can do many things informally which he could not do officially. Unofficially, as a social worker, there is usually nothing to prevent him from receiving a complaint and adjusting the matter out of court.

In some of the larger cities whose juvenile courts are well organized, properly equipped, and where there is co-operation with social service agencies, much has been done toward the socialization of the juvenile court. One good probation officer working under a sympathetic judge can do much toward educating the entire community in an appreciation of the purposes and methods of the juvenile court.

It is but human that parents whose children have been disciplined or otherwise dealt with by the court should feel more or less hurt if other children in their neighborhood who are guilty of similar or more serious offenses are not likewise disciplined, and it has been demonstrated by experience that a case handled out of court usually leaves a better feeling and induces a greater amount of co-operation from both the offender and his relatives and friends. As a result of such informal treatment of juvenile

delinquency out of court, the socialized court gradually becomes more and more an advisory agency to which parents and others can come for advice when they stand in need of help in controlling or preventing delinquency. In each specific case it should be made clear to the juvenile offender that his reformation is the thing sought for, but that the means used to attain this result depend largely upon his co-operation.

ACTIONS OF THE CONFERENCE

The following committees were appointed by President Cooley:

On Nominations

Joseph P. Murphy
John J. Gascoyne
H. F. Bretthauer
Emma O. Lundberg
John A. Hamilton

On Resolutions

Samuel D. Murphy
Jennie W. Erickson
James P. Ramsay

It was voted that President Cooley's address at the first session be published by the Association.

It was suggested by Dr. Robinson that the Association publish a bulletin. It was voted that this matter be referred to the Board of Directors for consideration.

The following amendment to the By-Laws of the Association was submitted with the approval of the Board of Directors and was adopted by unanimous vote of the members present.

At the end of Article 5, insert the following sentence: "The Board may fill a vacancy occurring among the officers or members of the Board of Directors until the next annual meeting of the Association at which time a successor shall be duly elected for the unexpired term."

The Committee on Nominations reported as follows:

"The Committee on Nominations, after much careful deliberation, having in mind the various claims and conditions under which officers of the Association are selected, desires to submit the following nominations:

President—Herbert C. Parsons, Boston.
First Vice-President—Charles L. Brown, Philadelphia.
Second Vice-President—Mrs. Jennie W. Erickson, Little Rock.
Third Vice-President—Hugo Pam, Chicago.

For members of the Board of Directors for the full four year term, to succeed Julian W. Mack, Jessica B. Peixotto, and William W. Dey, whose terms are expiring the following names are proposed:

Edwin J. Cooley, New York City.

Jessica B. Peixotto, Berkeley, Cal.

James Hoge Ricks, Richmond.

To succeed Miss Mary M. Bartelme, elected by the Board of Directors to succeed Mrs. Joseph T. Bowen, resigned, the following name is proposed to serve for one year:

Emma O. Lundberg, Washington.

All of the above nominees were unanimously elected by the members of the Association.

The Committee on Resolutions presented the report which is attached hereto. This was unanimously adopted by the members of the Association.

CHARLES L. CHUTE.
Secretary.

RESOLUTIONS ADOPTED AT THE ANNUAL CONFERENCE

NEW ORLEANS, APRIL 14, 1920

1. RESOLVED: That the National Probation Association urges the appointment of salaried probation officers to serve all courts dealing with delinquents; that such officers be appointed so far as practicable on the county basis; that adequate salaries and expenses be paid to such officers, a minimum salary of $2,000 for full time officers being recommended.

2. RESOLVED: That the Association favors the establishment of State Probation Commissions or State Bureaus of Probation either as separate State departments or affiliated with existing State departments engaged in State welfare work, that such commissions or bureaus should be charged with the duty of developing, extending and improving probation work and standards in such work throughout their respective States.

3. RESOLVED: That the Association reaffirms its support of the family court idea and recommends the establishment of such

courts having the jurisdiction of all court problems affecting the family, including children's cases, adult delinquency affecting children, non-support, guardianship, adoption, and divorce; that the Federal Children's Bureau be requested to make an investigation of family courts and courts of domestic relations and the need for the same throughout the United States.

4. RESOLVED: That the Association endorses the Lonergan bill now before Congress, establishing a probation system and providing for the appointment of probation officers in the United States District Courts, and urges both branches of Congress to take immediate favorable action in behalf of this greatly needed measure.

5. RESOLVED: That we affirm our belief that the National Probation Association should become, as soon as possible, a strong national organization, employing a full time, salaried executive and necessary office staff, in order to study the needs of probation and social courts and promote their extension throughout the United States; that we pledge our support to this program and urge that all who are interested in the purposes of the Association contribute as liberally as possible to this end.

6. RESOLVED: That the National Probation Association desires to express to the Federal Children's Bureau its hearty appreciation of the splendid service rendered this Association and the causes which the Association represents in the preparation and publication of the Bureau's report on courts of the United States hearing children's cases and also for its study and report on the laws relating to illegitimacy.

7. RESOLVED: That the thanks of the Association are hereby tendered to the retiring officers and the Secretary for their efficient service during the past year; to the speakers; to the Local Committee; to the Temple Sinai, and especially to the Rotary Club of New Orleans for its hospitality in entertaining the delegates as guests at its weekly luncheon.

SUSTAINING AND CONTRIBUTING MEMBERS OF THE NATIONAL PROBATION ASSOCIATION 1919-1920

Henrietta Additon	$5 00	Mrs. B. V. N. Lippelman	$5 00
Mrs. Paul Baerwald	10 00	Nettie M. Lovell	5 00
William H. Baldwin	5 00	K. C. McLeod	5 00
Mary M. Bartelme	5 00	Julian W. Mack	10 00
George Gordon Battle	5 00	Henry Marquand	10 00
William G. Baxter	5 00	Norman J. Marsh	5 00
Cora M. Beale	5 00	Sabina Marshall	5 00
Mrs. Harry Bishop	7 00	Mrs. D. O. Mears	5 00
Edward C. Blum	10 00	Maude E. Miner	25 00
Wilfred Bolster	5 00	Edwin Mulready	5 00
H. F. Bretthauer	5 00	New Jersey State Association of Probation and Parole Officers	10 00
Frederick P. Cabot	100 00		
C. S. Cadwallader	5 00		
Mary Vida Clark	5 00	William H. Nicholl	5 00
Allen M. Cook	5 00	Jean Norris	5 00
William W. Dey	25 00	Charles W. Norton	5 00
Mabel Brown Ellis	5 00	Hugo Pam	15 00
Frederick P. Fairfield	5 00	Herbert C. Parsons	5 00
Lawrence C. Fish	5 00	Solon L. Perrin	5 00
Bernard Flexner	5 00	Arthur Pressy	5 00
Homer Folks	5 00	Joseph E. Ramsteck	5 00
Mary A. Goodman	5 00	William J. Ruggles	5 00
Francis Hammill	5 00	Capt. Arthur St. John	5 00
Charles N. Harris	5 00	W. L. Scott	5 00
Mary Garrett Hay	5 00	Miss J. G. Seaman	5 00
Mrs. F. R. Hazard	5 00	May I. Sudo	5 00
George A. Heaney	5 00	John P. Sullivan	5 00
Mary Hinkley	5 00	Prof. A. J. Todd	5 00
Lucy Hutchins	5 00	Mina C. Van Winkle	5 00
Elizabeth Johnson	5 00	Edward F. Waite	5 00
J. A. Kreag	25 00	James T. Waters	5 00
Paula Laddey	5 00	Mrs. Benj. J. West	5 00
Julia C. Lathrop	5 00	Robert J. Wilkin	5 00
Samuel D. Levy	5 00	James F. Wise	7 00
O. F. Lewis	5 00	Mrs. H. O. Wittpenn	5 00
Adolph Lewisohn	50 00	Virginia C. Young	5 00

BY-LAWS

Adopted by the National Probation Association on May 31, 1919, Amended, April 14, 1920.

Article 1—Name

The name of this organization shall be the National Probation Association.

Article 2—Objects

The objects of this Association are:

To study and standardize methods of probation and parole work, both adult and juvenile;

To extend and develop the probation system by conferences, legislation, the publication and distribution of literature, and in other ways;

To promote the establishment of children's courts, domestic relations and family courts and other specialized courts using probation.

Article 3—Membership

The Association shall consist of active members, contributing members, sustaining members and patrons. Active members shall pay dues of two dollars a year. Contributing members shall be those who contribute five dollars or more annually to the Association. Sustaining members shall be those who contribute twenty-five dollars or more annually to the Association. Patrons shall be those who contribute one hundred dollars or more during a single calendar year.

Article 4—Officers

The officers of the Association shall consist of a President, First, Second and Third Vice-Presidents, a General Secretary, a Treasurer, and a Board of Directors. The President and Vice-President shall be elected by ballot at the annual meeting of the Association. They shall serve one year and until their successors are elected.

ARTICLE 5—BOARD OF DIRECTORS

The Board of Directors shall consist of twelve members, so elected that the terms of three shall expire each year, and the President of the Association who shall be a member *ex-officio*. At each annual meeting of the Association three directors shall be elected by ballot. The Board shall elect its Chairman and the General Secretary and Treasurer of the Association. The Board may fill a vacancy occurring among the officers or members of the Board of Directors until the next annual meeting of the Association at which time a successor shall be duly elected for the unexpired term.

ARTICLE 6—COMMITTEES

A Nominating Committee consisting of five members of the Association shall be appointed by the President each year to nominate the officers to be elected by the Association. Such standing and special committees as may be authorized by the Association shall be appointed by the President.

ARTICLE 7—MEETINGS

The annual meeting of the Association shall be held on the third Tuesday in May, or on such day as may be determined by the Directors. Special meetings may be held as determined by the Directors. Ten members shall constitute a quorum. Meetings of the Board of Directors shall be held as it may determine. Five members shall constitute a quorum of the Board.

ARTICLE 8—DUTIES OF DIRECTORS

The Board of Directors shall have general direction of the work of the Association and shall administer such funds as the Association may have. It shall report to the Association at the annual meeting and at such other times as the Association may require.

ARTICLE 9—AMENDMENTS

These by-laws may be amended by a two-thirds vote of the members of the Association present at any annual meeting, subject to the approval of the Board of Directors.